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AMERICAN TOBACCO AND FRENCH POLITICS 1783–1789

THE participation of France in the war of American independence was motivated by what were even then the antiquated objectives of dynastic aggrandisement and increase of prestige. New forces, however, were making their pressing demands upon the ramshackle and ineffective monarchy, to which, in the long run it proved entirely unable to respond. These new forces were the business interests of the country, which were demanding that the politico-military victory be exploited in such a way as to capture American trade for French commerce. Vergennes himself was representative of these new forces when he uttered his significant aphorism: "*Dans le nouvel état du monde, toute question des douanes n'est pas moins une question politique qu'une question de finances.*" [1]

Certainly in the three years following the Treaty of Versailles, the French government made serious efforts to produce the conditions that American trade demanded. Franklin, to whom the stress of his philosophical and social interests made commerce a matter of indifference, was harassed with inquiries about what the Americans wanted.[2] Lafayette was more useful. Grand seigneur as he was, he came back from America in 1782 with a whole program of commercial legislation, the central principle of which was that American trade should be

[1] *Mémoires d'un ministre du trésor public* (Mollien) vol. I, p. 204.

[2] Arch. Aff. Étr., Corresp. pol., États-Unis, 22, folio 148; 23, folio 176.

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given an indefinitely privileged position in French ports. Guided by the confidence of Congress,[1] but unhampered by instructions and diplomatic responsibility,[2] he used his influence with the French court to secure the free port privileges desired in France,[3] the admission of American whale-oil on a most favored nation basis,[4] and the admission of the Americans under certain restrictions to the free ports established by the *arrêt* of August 30, 1784, in the French West Indies.[5] These and other only less important measures constitute unmistakable evidence of the will of the French government to attract American traders to France. In spite of these efforts and intentions, however, French commerce with the United States languished, and American trade rapidly drifted back into its old relations with England. Many reasons were and are assigned for this unexpected consequence of the Peace—old habits and connections, poor credit facilities of the French, lack of knowledge of the market on the part of French merchants. All of these undoubtedly played their parts, but seem after all to be of secondary importance.

Two conditions were essential to the fullest development of commercial relations between the United States and France. The first was the admission of the Americans to the West Indies. This condition was substantially established by the significant *arrêt* of August 30, 1784, although the value of this measure was almost wholly destroyed by a series of countervailing measures promulgated in response to the outraged protests of French business. The second—probably the first in importance—was the maintenance in France of a broad and favorable market for American tobacco. This condition was prevented by the firmly established monopoly of the Tobacco Farm in France and more especially by the monopoly of sup-

[1] *Mémoires du Général Lafayette*, vol. I, p. 344.

[2] Lafayette to Washington, March 9, 1784. *Mémoires du Général Lafayette*, vol. I, p. 396.

[3] Lafayette to Vergennes, March 19, 1783. *Ibid.*, vol. I, pp. 383–384.

[4] Vergennes to Jefferson, Nov. 30, 1785. *Diplomatic Correspondence of the United States, 1783–1789*, vol. II, p. 490.

[5] De Castries to Lafayette, June 27, 1784. *Ibid.*, vol. I, p. 417.

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ply which was created by their contract with Robert Morris. This great financial ring was firmly intrenched in the seats of power. By a system of corruption and financial terrorism it made and unmade ministers, and had established itself as an integral, if parasitic, part of the governmental system. In this matter of the tobacco trade it showed itself able to brush aside, for its own financial convenience and without regard to the commercial interests of the kingdom as a whole, the well-considered plans of the government to draw American trade to France.

The relative importance of the tobacco trade had early and generally been recognized. Even before the entry of France into the war, an anonymous memoir-writer had argued that the only advantage to France from American independence would be to secure a monopoly of the American supply,[1] and this suggestion was repeated in 1783. François de Launay-Laval more soberly urged the importance of the trade upon Vergennes's attention.[2] Besson de Salomone proposed the establishment of a separate company for purchase, which should sell the tobacco it bought to the Farmers-General at a fixed price, forty-two livres a quintal.[3] Other proposals looked to the admission of American tobaccos, with the right of sale or re-exportation. A ministerial minute proposes "learning of the Farmers-General what their arrangements are for procuring their supply of Virginia tobacco and securing their agreement to methods that will serve as encouragement to our trade and navigation."[4] When the free ports were established in 1784, Calonne readily agreed to Lafayette's request for the establishment of the right of deposit at Lorient,[5] and the *arrêt* of September 23, 1784, carried out this idea.

The Farmers-General seem from the beginning not to have shared the sympathetic attitude of the government. As early

[1] Arch. Aff. Étr., Méms. et Docs., États-Unis, 2, nos. 2 and 3.

[2] Arch. Aff. Étr., Corresp. pol., É. U., 23, folio 245. March 9, 1783.

[3] *Ibid.*, 24, folio 107.

[4] *Ibid.*, 26, folios 131, 132. Document dated November 20, 1783.

[5] *Diplomatic Correspondence of the United States, 1783–1789*, May 17, 1784.

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as March, 1783, Vergennes received complaints that the agents of the Farmers were disgusting the Americans by arbitrary exercise of their right of *prelation*—purchase at a lower price of goods already sold—and wrote to Joly de Fleury, then Controller-General, asking that some arrangement be made to avoid such occurrences, especially since "the English are about to give American commerce all the favors of which it is susceptible."[1] The Farmers at once agreed to give up the right of *prélation*.[2] This practice, however irritating, was perhaps of less significance than the settled purpose of the Farm to use its position in the market to bring prices back to a pre-war level.

With the coming of peace the Farmers-General, assuming their power as purchasers to be stronger than it was, entered upon a policy of rapid deflation. They bought only one shipment from America in 1782 and objected that the price was staying at thirty-five to forty-five livres a quintal, or a third more than the price for which the British sold before the war.[3] This policy at once aroused serious protests and failed of its intended effect. Luzerne noted the unfavorable influence in America of the report that the Farm was the only purchaser and attempted to rectify it.[4] Beaumarchais wrote to Vergennes that the refusal of the Farmers to take the tobacco brought in led the Americans to transfer their cargoes to England or Holland and had the effect of destroying the life of American commerce with France.[5] The net result of this policy was that at the end of 1783, the Farm had gotten only three thousand hogsheads and was obliged to take other measures to replenish its supply.[6]

[1] Vergennes to Joly de Fleury, March 13, 1783. Arch. Aff. Étr., Corresp. pol., É. U., 23, folios 290, 291.

[2] Vignon to Vergennes, March 15, 1783. *Ibid.*, folio 296.

[3] Arch. Aff. Étr., Corresp. pol., É. U., 25, folio 85.

[4] *Ibid.*, 24, folio 185. Luzerne to Vergennes, May 6, 1783.

[5] March 7, 1883. *Ibid.*, 23, folios 224–230.

[6] Memoir of Bérard (of Bérard et Cie., Nantes), 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 328–367.

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The Farmers now turned to a new policy, equally unsuccessful. A contract was made with Alexander and Williams, a Scotch firm in Richmond, for fifteen thousand hogsheads a year at the very low price of thirty livres a quintal,[1] but this, too, failed, because Alexander and Williams were unable to fulfill their part of it on account of the low price proposed. The Farm got no tobacco, the commerce between the two nations lagged, and the quality of tobacco sold in the domestic market became so poor that it was made the subject of a vigorous protest by the Parlement of Brittany.[2] An *arrêt* of the Council of State of October 16, 1784, directed that the quality be improved, and an *arrêt de la cour* of August 18, 1785, directed all the judges of police to act as inspectors of the quality maintained.[3] Bérard et Cie. and a group of associates offered a contract to supply tobacco at forty-five livres a quintal, but their proposal was rejected without discussion. Robert Herries of London also proposed to the Farmers-General, through St. Amand, to furnish forty thousand hogsheads at forty livres for the first half and thirty-eight livres for the remainder.[4]

It was under these circumstances that, upon the advice of Le Normand, a Receiver-General of the Finances, at that time in London, the Farmers-General turned to Robert Morris and made with him the contract that was to become such a serious issue in the relations of France and the United States. Morris undertook to deliver in France sixty thousand hogsheads of tobacco in the three successive years, 1785, 1786, 1787, at the rate of twenty thousand a year, in a specified assortment and quality. The tobacco was to be shipped in American vessels rather than in French, and to be delivered in specified proportions in the ports of Bordeaux, Havre-de-Grâce, Dieppe and Morlaix, that is, in ports other than the free ports established in 1784 for the benefit of American trade. The tobacco was

[1] *Ibid.*, vol. 25, folios 312, 313; vol. 26, folios 40, 67.

[2] Memoir of Bérard, as above.

[3] Archives Nationales. AD XI, 51a.

[4] Arch. Aff. Étr., Corresp. pol., É. U., 29, folios 170–176.

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to be paid for by Le Normand, as the agent of the Farm, cargo by cargo, within a month, at the rate of thirty-six livres a hundredweight; but Le Normand was to advance, as a preliminary of the contract, one million livres, to be reimbursed by a charge of two livres on each hundredweight. Le Normand on his part engaged that the Farmers-General should not make, either directly or indirectly, any purchases in America. The contract was signed by Le Normand in Paris on January 11, 1785, and by Morris in Philadelphia on April 10, 1785.[1]

The Morris contract, unlike its predecessor, was destined to be a significant factor in the commercial relations of the two countries. In the first place, the price, thirty-six livres a hundredweight, was high enough to compete in the market, although de la Forest, the consul-general at New York, showed that it was equivalent to only twenty-four shillings of Virginia money,[2] while the price in Virginia had been forty shillings.[3] A more important difference was the capital of one million livres advanced by the Farm to Morris, which doubtless enabled him to manipulate the market. Less comprehensible is the preference provided for American ships as against French ships. This, along with the restriction of deliveries to ports other than the free ports, seems to point to a certain animus, on the part of the Farmers, against the Franco-American traders in the free ports, which had been established over their opposition. The contract was submitted to Calonne and approved by him,[4] but was not submitted to Vergennes, according to Bérard, because it was known that the latter's plans for the development of American trade with France would be entirely deranged.[5]

The effect of the contract with Morris was to "throw the commerce of that article in agonies."[6] The main object of the

[1] *Diplomatic Correspondence of the United States, 1783–1789*, vol. III, p. 64.

[2] Arch. Aff. Étr., Mém. et Docs., É. U., 14, folio 23.

[3] Jefferson to John Adams, July 9, 1786. *Writings* (Ford ed.), vol. IV, p. 252.

[4] Memoir of the Farmers-General, May 1, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 268–279.

[5] Memoir of Bérard, as above.

[6] Jefferson to John Adams, July 9, 1786. *Writings* (Ford ed.), vol. IV, p. 252.

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Farm seems to have been quite directly obtained. The price declined from forty shillings to twenty-two shillings sixpence in Virginia,[1] and to twenty-two livres a quintal in France.[2] The Farmers claimed that it assured them a supply. The indirect results were more serious. Not only was the purchasing power of the Americans lowered by the reduction in price, but since all other merchants were deprived by Morris' monopoly of that means of remittance, American trade with France, as far as it depended on tobacco, was sharply checked.[3] A formal protest was organized in Maryland and a boycott of French goods was proposed in Virginia,[4] which later developed into a proposal to exclude French wines and spirits.

Barclay, the American consul-general, addressed a memoir[5] to Calonne under date of June 19, 1785, in which he declared that the contract had already paralyzed the enterprise of American shippers in the French trade, that the monopoly of purchase in America put in the hands of Morris made the other merchants the allies of the rivals of France, and that the effect would be to destroy the precious advantages that French commerce was on the verge of realizing from the generous concessions already made, such as the free ports. The French merchants at Philadelphia made a lively protest through de la Forest.[6] Commerce was ruined, they declared, just at the moment when it was hoped to reap the fruits of hard work; Alexander had been an insignificant figure in the market because of the low price he had been authorized to pay, but the Morris contract deprived commerce of its exchanges. They asserted that firms like Wyncoop and Siemens and Stephen Girard were diverting cargoes originally intended for Lorient.

[1] *Ibid.*

[2] Memoir of the Farmers-General, as above cited.

[3] Jefferson to Adams, above cited.

[4] Memoir of Bérard, above cited.

[5] Arch. Aff. Étr., Corresp. pol., É. U.. 33, folios 81–90.

[6] Observations of the French merchants at Philadelphia on the Morris contract, transmitted by M. Robert, deputy of the French nation at Philadelphia, to de la Forest, November 22, 1785, and by him transmitted November 25, 1785, with his report no. 129. Arch. Aff. Étr., Méms. et Docs., É. U., 14, folios 346–352.

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They had no hope that French trade would see many of Morris's letters of exchange as he was accustomed to reimburse himself through London.

The major attack on the Morris contract, however, was organized only at the end of the year 1785. The basis seems to have been a quasi-alliance between Vergennes, Jefferson, Lafayette, J. J. Bérard, the principal merchant of Lorient in the American trade, Dupont, the able inspector of commerce, and a number of other less conspicuous persons. Vergennes lent a willing ear to Jefferson's complaints about the organization of the tobacco trade, and gave his support to Lafayette in the organization of the American Committee, while he transmitted to Calonne the memoirs of Bérard attacking the contract as an interference with the policy, which Vergennes had been sponsoring, of cultivating American commercial friendship.

At an early date in his mission, Jefferson had introduced to Vergennes the idea that the entire abolition of the farm of the tobacco monopoly was essential to flourishing trade relations between the two countries, and on August 15, 1785, he presented a formal written argument in support of the idea. Vergennes seems to have received the suggestion as an entirely new idea, but was favorably impressed and referred Jefferson's letter to Calonne in such terms that the renewal of the general contract for the farms, which was being pushed through although the old contract did not terminate for another year, was delayed for six months. A second conference on December 9, 1785, gave Jefferson another opportunity to present his arguments. Vergennes seems to have been neither surprised nor shocked that the minister of the world's newest power, still dependent on France for its financial breath of life, should propose the abolition of an ancient financial institution of the kingdom of which he was the first minister. He replied simply that such a step would doubtless be useful, but that the large revenue involved, between twenty-eight and twenty-nine million livres, made it a difficult subject to touch. Rayneval, Vergennes's trusted subordinate, assured Jefferson of his own support and declared that Vergennes would also favor discontinuance. efferson felt that the only obstacle in the way of prompt sep-

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aration of tobacco from the Farmers' contract was Calonne, whose political position was so unsteady that it would have been political suicide for him to risk the hostility of the Farmers-General by lending himself to such an attack on their interests.[1]

At this point, the return of Lafayette from Berlin gave a new turn to events. Having been put in touch with the situation by Jefferson, he called a private conference of "some persons well acquainted with the commercial system of the country." Out of this conference emerged the proposal to Vergennes that a committee should be formed under the Controller-General to inquire into the general subject of the commercial relations between France and the United States. Vergennes at once adopted the idea and in a conference with Calonne secured his agreement to the appointment of such a committee.[2] Calonne seems to have felt some jealousy of this intrusion of Vergennes. He left it to the chairman of the committee, Boulogne, to notify Vergennes of the arrangements and later wrote him, "I shall have the honor to communicate to you the results of their labors, which will be presented to me."[3]

For the next four months, this American Committee, as it was known, was the theatre of a determined attack on the power of the Farmers-General. The attack was defeated, but its seriousness and effectiveness was illustrated by the methods which the Farmers were obliged to use in defense and by the decision of Bernis of May 25, 1786, which marks the culmination of this phase of the committee's work. The committee met for the first time February 8, 1786, under the chairmanship of Boulogne, a subordinate of Calonne. Lafayette was the second member. Four *maîtres de requêtes*, two commissaries of commerce, one of whom was Dupont, two Farmers-Gen-

[1] Jefferson to Jay, Jan. 2, 1786, and May 27, 1786. *Diplomatic Correspondence*, vol. II, p. 456, and vol. III, p. 57.

[2] Boulogne to Vergennes, Feb. 7, 1786. Calonne to Vergennes, February 11, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 76, 77, 86.

[3] *Ibid.*

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eral, and Bérard, the Lorient merchant, made up the rest of the list.[1]

The tobacco question came at once to the forefront of the discussion in the committee.[2] The situation had been skilfully prepared. On January 10, 1786, Bérard submitted to Vergennes a memoir entitled "*Sur le commerce de France avec les États Unis*," in which he developed the thesis that the commerce of the United States in France found itself in immediate dependence on the Farm, a dependence which put that commerce in such a harmful situation that it called for the prompt intervention of the government.[3] This memoir Vergennes referred to Calonne, who, of course, could only refer it to the Committee.[4]

Lafayette came to the American Committee prepared to propose the abolition of the tobacco farm.[5] Jefferson furnished him with an argument that seemed logically conclusive, showing that by the accounts furnished by the Farmers they were losing money on the tobacco farm and that they therefore could not object to the separation of tobacco from the general contract without admitting that their figures were falsified.[6] That Lafayette used this argument before the Committee is indicated by his request to Vergennes for the balance sheet of the Farmers.[7] He found some of the committee "well disposed" but unwilling to attack the Farm openly.[8]

The disposition of the Morris contract was a more practical

[1] Boulogne to Vergennes, February 7, 1786, cited above.

[2] Lafayette to Vergennes, Feb. 8, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 79.

[3] Bérard to Vergennes, Jan. 10, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 29-44.

[4] Vergennes to Calonne, January —, 1786. Calonne to Vergennes, February 11, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 54, 86.

[5] Lafayette to Washington, February 8, 1786. *Mémoires,* vol. I, p. 431.

[6] Jefferson to Lafayette, February 10, 1786. *Writings* (Ford ed.), vol. IV, p. 197.

[7] Lafayette to Vergennes, February 25, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 62.

[8] Jefferson to Jay, May 27, 1786. *Diplomatic Correspondence,* vol. III, p. 57.

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question and brought out a number of proposals, varying from maintenance of the contract to its summary cancellation. The opinion of the committee, presented to Calonne some time before February 20, was practically that of Bérard, that the contract was injurious to France, to the Americans, and to the Farm itself, and that it ought to be canceled. The Farm objected to cancellation both from business principles and on the ground that it needed such a contract to insure its regular supply. On the part of the Farm, it was suggested that since its magazines were empty and it was desirable to have an eighteen months' reserve, it would be glad to buy all that came to France, but the "Americans" claimed that actually the Farm would buy very little as long as the Morris treaty stood.[1]

The opposition of the Farmers and the "*dispositions supérieures*" made repudiation of the contract impossible to hope for.[2] Nevertheless, the Farmers were distinctly on the defensive, as was indicated by their alleged willingness to take all tobacco offered them in France to build up their reserve. In April, they offered a bounty to all merchants who, after having brought tobacco to France, took a return cargo of French merchandise,[3] an offer which was sharply criticized as futile by the committee.[4] They pressed for and secured a renewal of the contract of the Farm while the American committee was in the midst of its deliberations. "I have too much confidence," Lafayette wrote to Vergennes on February 25, "to fear that the Controller-General will allow to be inserted in the new contract tomorrow any expression which directly or indirectly can interfere with the plans of the government in regard to the tobacco trade, or with the ideas of the committee, thus paralyzing all our efforts."[5] The contract contained the usual

[1] Memoir of Boyetet, February 20, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 136.

[2] Letter of a "Frenchman and Farmer-General" to Vergennes, April 17, 1786. *Ibid.*, folio 223.

[3] Unsigned memoir submitted April 17, 1786, to Vergennes. *Ibid.*, folios 225 *et seq.*

[4] Unsigned minute of session of May 12, 1786. *Ibid.*, folio 290.

[5] *Ibid.*, folio 62.

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clause that the king might discontinue it when he pleased.[1] The culminating illustration, however, at once of the threat which the American Committee exercised and of the extraordinary measures the Farmers General thought necessary to meet it, is offered by the events of May 10, 11 and 12. On the first date, representatives of the Farmers learned that a definite decision would be taken by the committee in regard to the Morris contract, probably adverse in character. The next day, the eleventh, St. Amand, Puissant, Vignon and de la Haye, Farmers-General, sought out Calonne and wrested from him (*"lui ont arraché"*) a written decision approving the contract with Morris, with only the proviso that the Farmers-General should buy annually fifteen thousand hogsheads in the open market, but with no means reserved to the government to enforce the proviso.[2]

The indignation of the committee at this disloyal maneuver is reflected in the minute of its session of May 12:

> The committee will be obliged to abandon the unanimous opinions which it has presented to the government if it believes today that the Farmers-General will buy fifteen thousand hogsheads of tobacco of which they have no need—that the Americans will bring tobacco here for a lower price than is paid for the national tobacco supply in an exclusive market—that a bounty on the exportation of merchandise in return for a product which will not be imported, can be of any utility.
>
> The committee then agrees unanimously that if the Farmers-General are the only buyers and sellers in the kingdom and have no source of supply in America except Mr. Morris' monopoly, that branch of commerce with the United States must be given up. Without counting the incidental consequences, our manufactures lose a market of six million livres, and those of England gain it, all paid for with the gold of France.
>
> It must be believed that only the most powerful considerations decided the government in that three-fold sacrifice, but the committee is so persuaded of the soundness of the reasons which it can present in support of its point of view that the Controller-General is unanimously

[1] Jefferson to Jay, May 27, 1786, above cited.

[2] Dupont to Vergennes, May 13, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 291.

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requested to permit a discussion of the question with the Farmers-General in his presence.[1]

Again it was the intervention of Vergennes that redeemed the situation. Jefferson had presented to him the case of several American merchants who had brought tobacco to France and, on account of the Morris contract, had not been able to find a market.[2] This letter Vergennes transmitted to Calonne with a cogent hint that the interests of France ran a real risk in permitting the money paid for tobacco to be used to discharge American debts in England.[3] What other influences were brought to bear upon the tottering Controller-General is not clear, but he yielded to the demand of the committee and called a session of it at his own château of Bernis, at which Vergennes was present and exercised a very positive influence.[4] The committee came to the following conclusions. It was decided in the first place that the contract with Morris should be completed, but a substantial condemnation of it in principle was expressed by the prohibition of similar bargains in the future. It was further provided that a reserve should be built up by the annual purchase, in addition to the supply brought by Morris, of from twelve to fifteen thousand hogsheads of tobacco, brought to France by French or American vessels at the same price and on the same conditions as those stipulated with Morris. Differences in regard to the price were to be settled by the Council acting through a commission. In other words, the opponents of the Farm and the enemies of the contract had won two points: the disapproval of the contract in principle, and the establishment of a means of enforcing the provision for the purchase of tobacco in addition to that sup-

[1] *Ibid.*, folio 290.

[2] *Ibid.*, folio 282.

[3] May 20, 1786. *Ibid.*, folio 325.

[4] Bérard says, in a letter to Vergennes of May 25, 1786, "it is necessary that the Farm, following other principles than those which *brought upon it your just reproaches,* should henceforth be equitable towards commerce," etc. Jefferson wrote to Jay, May 27, 1786, "I do not apprehend any danger of its [the decision of the committee] being rejected, seeing that M. de Vergennes *approved* of it and M. de Calonne acquiesced."

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plied by Morris.[1] At the suggestion of Calonne, the conclusion of the committee was at once given the character of a decision of the Council.[2]

Calonne and Vergennes were agreed, at least, upon the importance of enforcing the decision of Bernis, although their reasons differed considerably. Calonne wished to use the restriction to French and American ships as a part of his program for reviving the old exclusion law of 1701 against English vessels, which had been suspended by the Treaty of Utrecht, by way of anticipating the negotiations with England.[3] Vergennes, on the other hand, informed him that the tobacco trade did not enter into the negotiations but that "the mercantile interest of France with America imperiously dictated enforcement."[4]

The main objective of the American Committee, the repudiation of the Morris contract, had been lost, but it continued its sessions for some time with considerable benefit to the commercial relations between the two countries. Its principal achievement was the summarization in a single instrument of the various special favors which through the influence of Lafayette had been granted American commerce in Francs during the years 1783 to 1786, including the decision of Bernis. This took first the form of a letter from Calonne to Jefferson, dated October 22, 1786,[5] the model of which was supplied by the American Committee.[6] After much delay arising out of the confused state of the French government, Jefferson secured the conversion of the letter of Calonne into an *arrêt du Conseil*, dated December 29, 1787, but the arrangements in regard to the tobacco trade were omitted.[7]

[1] The provision for the restriction of this privilege to French and American ships marks one of the beginnings of an interesting development in restrictionist legislation which culminates in the Navigation Act of September 21, 1793. See my *Commercial Policy in the French Revolution*, Part II.

[2] Arch. Aff. Étr., Corresp. pol., É. U., 31, folios 381, 382, 391.

[3] Calonne to Vergennes, August 9, 1786. *Ibid.*, 32, folio 37.

[4] Vergennes to Calonne, August 15, 1786. *Ibid.*, folio 25.

[5] Translation in *Diplomatic Correspondence*, vol. III, p. 160.

[6] Jefferson to Jay, October 23, 1786. *Ibid.*, vol. III, p. 151.

[7] *Ibid.*, vol. III, p. 354.

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In spite of the failure to weaken the monopoly of the Farm, the decision of Bernis was regarded by American interests as a distinct victory. Bérard declared that by obtaining it, Vergennes had put the American nation and French commerce under new obligations to him.[1] Jefferson hoped "that the decision would serve to keep the commerce between the United States and France alive till more simple and permanent arrangements could be made.[2] In America, it was generally regarded as solving the immediate difficulties created by the Morris contract[3] and was followed by a direct increase in free shipments.[4] Dupont was more pessimistic but proposed to continue the attack on the contract.[5] Bérard objected to the restriction of the privileges of Bernis to French and American ships.[6] Jefferson pointed out that in terms the whole fifteen thousand hogsheads might be brought in by English merchants.[7] He foresaw that the Farmers would make difficulties about these obligatory purchases, but hoped that this would serve to keep open the question of doing away with the Farm and the destruction of its monopoly.[8]

Jefferson's forecast of the attitude of the Farm toward the decision was at once substantiated. A secret circular of the Farmers to its agents, dated June 19, 1786, sharply restricted the purchases to be made and directed that whenever possible, would-be sellers be directed to communicate with the central offices of the Farm. At the same time, prices were to be sharply cut on the ground of defects of quality and payment was to be held up for three months instead of the customary

[1] Bérard to Vergennes, May 25, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 383.

[2] Jefferson to Vergennes, *ibid.*, folio 400.

[3] Letter of a group of Baltimore merchants to J. J. Bérard et Cie., September 30, 1786. *Ibid.*, 32, folio 77.

[4] *Mémoire pour les Négocians de Lorient.* Paris, 1788.

[5] Memoir of Dupont, May 31, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 31, folio 397.

[6] Bérard to Vergennes, May 25, 1786, cited above.

[7] Jefferson to Vergennes, May 31, 1786, cited above.

[8] Jefferson to Jay, May 27, 1786. *Diplomatic Correspondence,* vol. III, p. 57.

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one month. The statistics of tobacco received under the decision were falsified, it was alleged, by including tobacco brought on other than French or American ships.[1] Complaints began at once to pour in, but apparently without effect upon the policy of the Farm.[2] The result was an almost complete paralysis of the American trade. The business men of Lorient, the American port, found themselves unable to finance the American traders as long as the Farmers refused to take their tobacco. A prominent Philadelphia firm wrote to their correspondents in Lorient:

> We shall be happy to serve your views as to consignments when in our power. But whilst the Farmers refuse tobacco from individuals and discourage their shipping it as they have recently done, there cannot much commercial intercourse be expected between the two countries, especially when, as of late, they disregard such obligations as that of the committee of Bernis and leave many on this side the dupes of the confidence reposed in them.[3]

Jefferson, meanwhile, had at once returned to his original object, "a radical cure of the evil, by discontinuing the Farm," which he had been urging ever since his arrival at the French court. He raised the question again just before the meeting of the American Committee at Bernis, but received the same reply from Vergennes as in November.[4] In August, he renewed the attack with a formal letter to Vergennes, systematically and cogently stating again the effects of the monopoly upon the general commercial relations of the two countries, and even going so far as to argue the advantageousness of the abolition of the tobacco farm as an internal measure. It would result, he declared, in an increase in the King's revenue, while

[1] *Mémoire pour les Négocians de Lorient intéressés au commerce des États-Unis contre la Ferme Générale.* Paris, 1788.

[2] Bérard et Cie. to the "President du Comité du Commerce des États-Unis", July 10, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 32, folios 11-16.

[3] Dated October 20, 1787. Quoted in *Mémoire pour les Négocians de Lorient,* cited above.

[4] Jefferson to Jay, May 27, 1786, cited above.

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contraband would be reduced.[1] Jay's publication of his letter of May 27, 1786, about his earlier maneuvers to secure annulment hampered his efforts,[2] while it accentuated the feeling on the part of the Americans that they could not trust the intentions of the French government.[3] At any rate, the death of Vergennes and the complication of affairs in the early part of 1787 offered little opportunity for the discussion of so serious a project. In the Assembly of Notables, the tobacco farm was made the subject of an attack by Brulard, which was without consequence.[4]

Jefferson seized the occasion presented by the proposal to convert Calonne's letter of 1786 into an *arrêt* to present once more to Montmorin the arrangements which he had urged upon Vergennes. Elaborating upon the major character of the tobacco product as an object of trade, he declared that although it could all be drawn to France, as an article of exchange, it was not done even with the nine million livres' worth that France consumed herself, because of the monopolistic character of the trade. This monopoly, he argued, was not concerned with the interests of the kingdom but only with its own, which led it to buy only of a monopoly in America. The consequences of this were that other firms concerned in American trade had had to quit their relations, the price in America had been depressed, and from that reason and from the restriction of exchanges, the consumption of French goods had declined. After a summary of the measures already taken, especially the decision of Bernis, he declared that the abolition of the monopoly and the establishment of free buying and selling would bring about not only an increase in the king's revenue,

[1] Jefferson to Vergennes, August 15, 1786. *Writings* (Ford ed.), vol. IV, pp. 272-276.

[2] Jefferson to Jay, January 9, 1787. *Diplomatic Correspondence,* vol. III, p. 197.

[3] Otto to Vergennes, September 30, 1786. Arch. Aff. Étr., Corresp. pol., É. U., 32, folio 78.

[4] (Brulard) *Observations sur la ferme du tabac et sur la nécessité d'en supprimer le régime actuel, présentées aux Notables.*

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but as well, a vast increase in trade.[1] Montmorin was impressed,[2] but the situation was no more hopeful than in the days of Calonne.[3] As a matter of fact, the "obscure chicanery" of the Farmers prevented even the inclusion of the decision of Bernis in the *arrêt* of December 29, 1787, which formally established the arrangements in regard to American trade in Calonne's letter of October 22, 1786.[4] Both the Morris contract and the decision came to an end with the year, but Jefferson was informed that "the article of tobacco could not be introduced into the *arrêt*, because it was necessary to consider the Farmers-General as parties to that arrangement."[5] All that he was able to secure was another letter continuing the decision of Bernis until the end of the Farm which had still five years to run. Yet with the Morris contract out of the way and the Farmers forbidden to make similar contracts, Jefferson felt that the French and American shippers to whom the trade was restricted, would have practically the whole market.[6]

This arrangement, however, did not provide for the grievances of the French merchants of Lorient, who, on account of the discriminatory policy of the Farmers, found themselves left with a large amount of tobacco on their hands and no market. They therefore launched another attack on the Farm in the beginning of 1788, another of those elaborate memoirs[7] in which the period was so prolific. An elaborate survey of the whole story of Franco-American commercial relations after the war was presented, showing how persistently the Farm had, by its attitude in the earlier years, by the Morris contract and by its evasions of the decision of Bernis, defeated and destroyed

[1] Jefferson to Montmorin, July 23, 1787. Arch. Aff. Étr., Corresp. pol. É. U., 32, folios 314-317.

[2] Montmorin to Villedeuil, August 28, 1787. *Ibid.*, folio 349.

[3] Jefferson to Jay, Aug. 6, 1787. *Diplomatic Correspondence,* vol. III, p. 267.

[4] Lafayette to Washington, October 9, 1787. *Mémoires,* vol. I, p. 482.

[5] Jefferson to Jay, Dec. 31, 1787. *Diplomatic Correspondence,* vol. III, p. 357.

[6] Jefferson to James Maury, November 13, 1787, and to A. Donald, February 7, 1788. *Writings* (Washington ed.), vol. II, pp. 319, 355.

[7] *Mémoire pour les Négocians de Lorient intéressés au commerce des États-Unis contre la Ferme Générale* (4to, Paris, 1788).

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the attempts of the government and of the merchants to build up an American trade. The authors of the memoir asked for specific orders directing the immediate purchase of the 3500 hogsheads remaining at Lorient before the end of the month and the purchase of the 10,049 hogsheads which they claimed the Farm had failed to purchase under the decision, with interest and storage charges. More generally they demanded that any continuation or renewal of the Morris contract be forbidden, that discrimination between the various ports cease, that the price of tobacco be fixed three or four months in advance, and finally that a council or committee of administration be established to control purchases. These demands were reenforced by a petition of the Estates of Brittany to Montmorin.[1]

The continuation of the decision of Bernis, while it indicated the good will of Montmorin's government toward the American trade and partially insured to the Franco-American traders the control of the French market, still failed to provide the greatest possible stimulus to commercial relations between the two countries. The continuing monopoly of the Farm prevented the development of France as the entrepôt for the European tobacco market, a development that her position as the greatest single consumer of tobacco would seem to have warranted. A letter of Samatan Frères of Marseilles to Stephen Girard after the events of the summer of 1789 illustrates the limiting effect of this dependence upon the Farm:

> Our revolution being over and the people having the upper hand, the National Assembly . . . is at work on a new constitution . . . Liberty having thus won the victory, the Farmers-General are in doubt whether they will be retained or dismissed. In the latter case the tobacco trade will be free and that article will become current merchandise. Until that has been decided, the Farmers dare not load themselves with tobacco.[2]

By 1789, the monarchy had alienated the great commercial

[1] Les Députés et P.R.S. des États de Bretagne à M. le Comte de Montmorin, February 15, 1788. Arch. Aff. Étr., Corresp. pol., É. U., 33, folios 45, 46.

[2] McMaster, *Life and Times of Stephen Girard*, vol. I, p. 96.

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interests of France. Its relaxation of the old régime of exclusion and prohibition in the West Indies had brought forth the united protests of all the Chambers of Commerce from Dunkirk to Marseilles and the first responsible demand for the re-summoning of the States General.[1] Its treaty of commerce with England had evoked denunciation of its methods of disposing of the economic interests of the nation without consulting those most directly involved. Its failure to check the ruthless rapacity of the Farmers-General in their control of the tobacco trade had left the interests engaged in American commerce the helpless victims of its vicious organization. The greatest prize of the world struggle for commerce, the American trade, had been sacrificed at their expense in the interest of a ring of privileged parasites. It was men of the middle classes who made the Revolution. It is in the grievances of the merchants rather than in the picturesque miseries of the peasants that the factors are to be sought that made the Third Estate of 1789 the destroyers rather than the supporters of the absolutism that had served their ancestors and had established itself with their support.

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[1] *Receuil de différentes pièces pour et contre l'admission des étrangers dans les isles françaises de l'Amérique.* 1785. See especially pages 107-146, Lettre du Parlement de Bordeaux au Roi au sujet de l'Arrêt du Conseil d'État du 30 août 1784 . . . fait à Bordeaux, toutes les Chambres assemblées, le 29 janvier 1785. For the use of this scarce collection I am indebted to Professor Charles H. Hull.

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THE GREEK EXPLOITATION OF EGYPT[1]

A MODERN student who attempts to understand the economic life of the ancient Greeks and Romans is handicapped in two particular ways. Immediately he is confronted by the fact that up to the present it has been impossible to write an adequate consecutive history of ancient economics. Many intensive and difficult detailed investigations of special subjects and places must be made, especially in the field of archaeology, before such an economic history can be attempted with any hope of success. Lacking the comprehensive knowledge which could be obtained from such a trustworthy survey, the modern scholar carries with him into the study of antiquity the economic preconceptions of his own day, of which he can divest himself only with the greatest effort. Unless he is constantly on his guard his figures will fit themselves into this background. Then the result will be that his ancient people and ancient life will be exaggeratedly modern, and untrue to themselves. If, on the other hand, the present-day scholar is too conscious of his own economic modernity, his actors and their actions tend to appear as detached from any economic background, or as bizarre figures which react much too primitively to the stimuli of historic life, their doings unmotivated by the fundamental economic necessities which assuredly influenced them.

The second difficulty arises out of the "classical" training in the Greek and Latin languages and literatures which is the essential equipment of any man who ventures into the field of ancient economic research today. In its better forms this training is excellent as an induction into the methods of a critical approach to historical sources. It tends however to be highly subjective and even idealistic, so much so that one is

[1] This article is but slightly changed from its original form as read before the meeting of the Classical Association of the Atlantic States at Swarthmore College on May 1st, 1925.

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justified in speaking of a "classicistic attitude" toward ancient culture. The ancient historian must, therefore, marshal to his aid a degree of sane realism, which is equally necessary and more easily maintained in other fields of historical investigation. Alma-Tadema's painting, "A Reading from Homer", which hangs in reproductions upon the walls of so many of our secondary schools, is aesthetically and in point of composition a rather notable work of art. It is also a drastic example of the worst form of classicism. As a symbol of the culture of the ancient Greeks, it is sentimentally idealistic, inept, misleading, and even dangerous. The ancient Hellenes had little enough time to lie prone beside the wine-colored sea, with chins propped on their hands, listening raptly to readings from Homer. One knows their life and their appreciation of Homer much better by a simple reading of the *Ion* of Plato, and allowing, even there, for a certain amount of idealization. Crassly stated, the painting of Alma Tadema would be an equally applicable symbol of the productive energy of the ancient Hellenes if the roll from which the rhapsodist is reading were a business document; if the subject of rapt attention were the possibility of a profit of twenty-five per cent a year instead of the deep-sounding harmonies of Homeric hexameter.

The study here presented arose partly as a corrective to what may be called "hyperbolic classicism". More particularly it was suggested by the obvious consideration that the conquest of western Asia and Egypt by Alexander was followed by an intensive economic penetration and exploitation of this great area by Greeks and Macedonians; and that the thoroughness of that exploitation is only to be explained by definite advantages and superiorities of the conquering people which surpassed the bounds of mere military efficiency. The problem was therefore clearly set; namely, to determine, if possible, what advantages lay with the Hellenes of the fourth and third pre-Christian centuries over their non-Hellenic contemporaries which enabled them to dominate so completely the economic and political world of that day and sphere.

Expansive energy was one of the most notable characteristics of the Greek people throughout the first pre-Christian millen-

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nium, just as it is today. The details of their earliest voyages of discovery into the Black Sea and westward to Italy and Sicily appear to us only in mythological form. In the wake of exploring adventures[1] came those Greeks who colonized all the northern stretches of the Mediterranean littoral. The causes of early Greek colonization will probably always remain conjectural. The facts and the results upon the ancient world are entirely historical. In his recent brilliant article upon "Alexander and Hellenistic Economic Life" Ulrich Wilcken has depicted Alexander the Great as one of the great historic explorers of the world.[2] In this sense Alexander was a typical Greek, however sincerely Demosthenes may have denounced his father, Philip, as un-Hellenic, a barbarian. Alexander accompanied his conquests with intensive colonization which was assuredly economic as well as military in its purpose, and quite consciously economic in Alexander's mind.[3]

The first period of Greek colonization was followed by an intensive exploitation of the commercial opportunities afforded by the opening-up of new lands to Greek energies. The hundred years stretching from the advent of Pericles as leader of Athenian politics to the accession of Philip II as king of Macedon are filled with bloody strife among the Greek city-states, accompanied by great losses in economic goods throughout the area of Hellenic control. Even these losses did not break the general economic prosperity of the Greek world. The trade with lower Russia in Greek *objets d'art* in gold and silver remained unimpaired throughout the fourth century.[4] The Hellenic cities of Sicily and those of Asia Minor were expanding commercially. Only in Italy were the Greek cities declining in the face of the growing political power and economic advance of the native Italians.[5]

[1] Julius Beloch, *Gesch. Griechenlands*, 2nd ed., vol. I, 1, pp. 229–30.

[2] "Alexander der Grosse und die hellenistische Wirtschaft" in *Schmollers Jahrbuch für Gesetzgebung*, vol. 45 (1921), p. 357.

[3] *Ibid.*, p. 355.

[4] Rostovtzeff, *Iranians and Greeks in South Russia*, p. 69.

[5] Beloch, *Gesch. Greichenlands*, 2d ed., vol. III, 1, pp. 305, 314–15; for Italy, pp. 307–8. For a different point of view upon the economic situation in the fourth ce

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The second period of Greek colonization, begun by Alexander, extended over a period of some sixty years. The Greek commercial exploitation which accompanied it and followed upon it differed from that of the Hellenic period subsequent to the colonization of the Black Sea and the northern shore of the Mediterranean. In the earlier period, in so far as imperialism is to be found among the Hellenes, it had confined itself in the main to attempts on the part of the city-states to widen their dominion so as to include other Greek city-states of the same *ethnos*,[1] or, at the most, over more distant kin of the same Greek stock. Their exploitation of non-Hellenes had been commercial only, unaccompanied by the necessity of political domination. Within the area of inter-Hellenic city-state strife the struggle for commercial advantage enforced the bitterness already developed by differences of political viewpoint. This new combination of political and commercial causes of war found ruthless expression in Athenian politics in the year 431 B. C. in the total expulsion of the Aeginetans from their native island.[2] If Thucydides was the realist and clear thinker which he is generally supposed to have been, we may assume that, at the outbreak of the Peloponnesian War, official circles at Athens had wearied of any attempt to conciliate by just treatment the antagonism of the members of the Delian League to the imperialistic hegemony of Athens. The Athenian mission to Sparta in 432 B. C. expressed the conviction that Athens would have then been in a stronger position had it consistently used *force majeure* as its policy in the Delian League. The Athenians had come to the conclusion that compulsory rule, even if based on injustice, was a less galling form of imperialism than exploitation by a state which attempted to preserve the appear-

tury see Eduard Meyer, *Kleine Schriften*, p. 133. Against Meyer's view it may be said that impoverished governments and prosperous industrialists and merchants may go hand in hand. The growth of many individual fortunes, which is commonly reckoned as prosperity, often appears along with a mass increase in misery.

[1] W. S. Ferguson, "Greek Imperialism," in *Am. Hist. Review*, vol. XXXIII, p. 763.

[2] Pauly-Wissowa, *Real-Encyklopaedie*, vol. I, p. 967.

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ance of political equality.[1] Expressed in terms of international politics of the twentieth century, the idea is that states which, theoretically speaking, are being developed toward democracy under the mandate system will be more troublesome than those ruled under compulsion as dependencies.

Political and territorial imperialism within the circle of the Greek city-states is certainly a characteristic of the fifth and fourth centuries B. C. The Hellenistic world is distinguished from the preceding period by one fundamental difference. Commercial exploitation had, in the previous period, been based upon the custom of tapping the resources of the Black Sea and western Mediterranean areas by coastal colonization without actual conquest of the natives. The Macedonian-Greek colonization of Alexander and his successors was inland penetration; and its advantages for exploitation were conditioned upon, and intensified by, Macedonian dynastic control which consciously threw open to Greek business shrewdness and capacity the exploitation of great subjected areas.

If political-territorial imperialism was the basis for tremendous business advantages falling to the Macedonians and Greeks, the capacity to extract the most out of this favored business situation lay in their great industrial-technical skill and in the superior powers of business organization which they had already developed. From 450 B. C. onward specialization of labor in the manufactories of the Hellenic urban-industrial centers had greatly increased. "It is impossible," said Xenophon,[2] "for a man who is a jack-of-many-trades to do all things well. In large cities, because of the fact that many persons need each commodity, a single trade suffices for making a living, and often not even one complete trade; but one workman makes men's sandals, another women's. One person makes his living exclusively by stitching sandals, another by cutting them out. One man is exclusively a cutter of *chitons*. Another takes no part in this work, but merely puts the pieces together."[3] With

[1] *Thucydides*, I, 77.

[2] Xenophon, *Cyropaedia*, VIII, pp. 2, 5.

[3] See further G. Glotz, *Le Travail dans la Grèce ancienne* (Paris, 1920), pp. 265–76.

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this superiority in the technique of manufacturing over the more primitive contemporary artisanship of the Persian Empire the Greeks combined a marked superiority in commercial organization. Greek commerce was founded upon and facilitated by a widespread use of coined money. In the Persian Empire the adoption of money coinage and its spread had been slow as compared with the rapidity of its acceptance in the Greek spheres of Mediterranean trade. The coinage of the Great King of Persia was not extensive. The precious metals still lay heaped up in his treasuries, to be coined only as particular necessity required.[1] In the central districts of the Persian Empire and throughout the plateau of Iran the traditional system of barter economy still prevailed. Only on the western periphery of Asia, where Greek enterprise prevailed, or in Lycia, Cilicia, Cyprus and along the Phoenician and Palestinian coasts, was the use of coined money extensive.[1] Egypt as a Persian province had had no separate coinage of its own before Alexander's advent[2] except for one issue of a satrap whose authority to mint, in this case, had been delegated by the Great King.[3]

The beginning of private banking as seen at Athens in the fourth century B. C., modest enough, as it actually was, is none the less symptomatic of Greek business capacity as developed under the little city-state form. The Athenian banker Pasion was much more than a mere *trapezites*, a money changer. His business, however, was not yet a completely specialized banking business, since he was also a manufacturer. But he did receive deposits and he paid interest upon them. He made loans to merchants on sea-trade projects; and payments were made through his bank in mercantile enterprises. Deposits and withdrawals were made only in the presence of witnesses. The only written act in connection with his business was that of keeping the bank accounts of deposits and withdrawals. There was no arrangement of current accounts from which sums could

[1] Ed. Meyer in Conrad's *Handw. der Staatswissenschaften* (3rd ed.), vol. VI, pp. 828–29.

[2] U. Wilcken, *Grundzüge der Papyruskunde*, p. lxiii.

[3] G. F. Hill, *Handbook of Greek and Roman Coins* (London, 1899), p. 84, and note 2.

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be obtained, except by payment of bar money. There was, of course, no checking system, as is sometimes assumed.[1] Despite its primitive form and its very limited use of accumulated deposits, the bank of Pasion was a departure which boded well for the continuation of Greek business supremacy in the Mediterranean world.

It is also worth noting that in the century preceding Alexander's conquest of the Persian Empire the Hellenes had had experience of the pecuniary advantage to be derived from a monopolistic control by their city-states of the right to sell certain products. Such sale monopolies, which customarily had to do with the grain supply, were usually dictated by immediate financial need and were only temporary and local in their application.[2] Yet it is clear that Aristotle was thoroughly conscious of the advantage in price-fixing to be derived from the creation of a monopoly. "Therefore some of the cities make this a practice when they lack money. For they make a monopoly of goods for sale."[3] Many conditions in the world of the Greek city-states made it impossible for the development of monopolistic control of single commodities in any complete sense of the term. Yet the Greek political writer was conscious of the methods and results of the sale monopoly and had invented the technical term for its expression which we still use.

The technique of shipbuilding had advanced in the fourth century throughout the Mediterranean, among the free Greeks as well as with the Greeks, Syrians and Phoenicians subject to Persia.[4] When Alexander conquered western Asia Minor and the Syrian-Palestinian coast, three of the five great centers of the shipbuilding and shipping industries of the civilized world of that day were under Macedonian-Greek control. In the

[1] See B. Laum's corrections in *Phil. Wochenschrift*, 1922, p. 427 *et seq.*, upon the conclusions drawn by J. Hasebroek in *Hermes*, 55 (1920), p. 113 *et seq.* Also see Laum's article in Conrad's *Hdwb. der Staatsw.* (4th ed.), vol. II, pp. 166–67.

[2] Kurt Riezler, *Über Finanzen und Monopole im alten Griechenland*, pp. 50–51.

[3] *Politics*, 1259 a 20.

[4] Beloch, *Geschichte Griechenlands* (2d ed.), vol. III, 1, pp. 460–61 for the technical advance in battleship construction.

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western Mediterranean two centers remained, the one at Carthage, the other among the disunited Greeks of lower Italy, Sicily and lower Gaul. It is a significant feature, as well as an explanation, of the Macedonian-Greek commercial exploitation of southwestern Asia, Egypt and the eastern Mediterranean lands in the third pre-Christian century that a fairly complete control of shipbuilding facilities in that area then lay in their hands.

To the evidences already suggested of the business superiority of the Greek people in the period preceding Alexander's conquest one may now add the technical development of harbor construction. A recent German study, based primarily on archæological evidence, has brought proof that the type of harbor enclosed within the city wall is specifically a Greek development.[1] The changes of the pre-Alexandrian period had been toward the construction of moles which could serve as fortifications as well as for protection of shipping from heavy seas, and toward the construction of connected artificial double harbors. It was a harbor fortified and otherwise constructed after Greek models which helped the Syrians defy Alexander for so long in Tyre; and the harbor of Sidon, and that of Carthage as well, were built on the Greek system.[2]

There is no doubt that Greek engineers in the days of Philip and Alexander held the highest place in their profession, both in the theory of engineering and in its practical applications. A high degree of specialization is not to be assumed in the engineering field except in the sense that certain engineers became particularly famous in some one branch of the profession. The general term for an engineer was still, and so remained, *architecton*, or master-builder. Archytas, philosopher and statesman of Tarentum, friend and associate of Plato, was regarded in antiquity as the founder of the science of mechanics. Hippodamus of Miletus laid out the streets of the Peiraeus in the time of Pericles. Though Hippodamus developed in that

[1] Karl Lehmann-Hartleben, "Die antiken Hafenanlagen," *Klio*, Beiheft XIV, Leipzig, 1923, p. 65.

[2] *Ibid.*, p. 93.

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and similar undertakings the type of city-plan which dominated the ancient world for centuries,[1] he also bears only the general appellation of *architecton*. The city plans of numerous colonies established by Alexander and his successors base ultimately upon his system, as is demonstrable in the cases of Alexandria and Priene.[2] Dinocrates of Macedon who made out the measurements for the city of Alexandria was likewise an *architecton* and likewise working on the system devised by Hippodamus. In engineering practice there are, indeed, indications of a small degree of specialization. Alexander assigned the work of cleaning out the underground outlets of Lake Copais to Crates of Chalcis, who is called a *metalleutes* or miner.[3] It is very doubtful that the sinking of the ventilation shafts, the deepest of which was two hundred and sixteen feet, and the original plan of the work can be ascribed to Crates. But the work assigned to him, just as the original task, was an ambitious drainage project, involving both empirical and scientific knowledge to a high degree.

With great advantages, based upon superiority in business skill, technical knowledge and mental habits of inquiry and experimentation, the Macedonians and Greeks penetrated Western Asia and Egypt along the route of Alexander's march. What might be accomplished in the field of business enterprise with such equipment when combined with absolute power, was soon shown in the wheat manipulations of Cleomenes of Naucratis, so-called "Satrap of Egypt" by appointment of Alexander himself.[4] As financial governor he turned to account his complete control of the grain rents and taxes in the following manner. In Greece a dearth of grain existed. Cleomenes forbade the export of grain from Egypt, thereby driving up prices in the cities of Greece and lowering them in Egypt. By virtue

[1] H. Erdmann, "Hippodamus von Milet" in *Philologus*, vol. 42, pp. 193–94.

[2] Pauly-Wissowa, *Real-Encyklopaedie*, vol. VIII, p. 1733.

[3] See Strabo, IX, 407.

[4] The sources are Pseudo-Aristotle, *Oeconomica;* Demosthenes, *Against Dionysodorus;* and the Athenian decrees in honor of Heraclides of Salamis, Dittenberger, *Sylloge*, 3, 304. The situation is summed up by Kurt Riezler, *Über Finanzen und Monopole*, pp. 33–34.

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of his official position Cleomenes himself was not affected by the decree forbidding export; while the competition of the independent exporters was eliminated. Cleomenes bought up the Egyptian grain at the market price. He established a system of private communication through his agents by which knowledge of a fall in price in any given place came to them quickly. In such cases the laden ships would be diverted from those cities to which they had been originally consigned and shipped to other localities where the price remained high.

With superiority in enterprise and in business organization the Macedonians and Greeks flocked into Egypt in the reigns of the first two Ptolemies. They were made welcome and given every opportunity of service, in the army as mercenary soldiers, in the bureaucratic service in all manner of positions, from the highest offices to the head clerkships of the central administration. These two rulers, Ptolemy Soter and Ptolemy Philadelphus, ruled Egypt for three-quarters of a century. The first Ptolemy gives every indication of having been a man characterized by energy combined with an outstanding prudence and sense of realities. He was never tempted by the dream of Antigonus the One-Eyed to control in his single hand the great empire of the dead Alexander. At Alexander's death it was he who counselled straightway the division of the Empire among Alexander's generals.[1] It is probably to his thoroughgoing realism and common sense that we should ascribe the initiation of the economic and political policies which mark the course of the early Ptolemaic régime in Egypt.

Through the recovery of important papyri of the middle of the third century B. C. we are in a position to follow in considerable detail the methods and plans of the second Ptolemy and of the Greeks of all degrees who assisted him in the process of making the most of the advantages which Egypt offered them. Two outstanding sources of knowledge are the Revenue Laws of Ptolemy Philadelphus and the fortunate recovery of

[1] It may also be true, as alleged by Quintus Curtius Rufus, X, 6, 15, that he advocated a federation of the rulers of the separate territorial parts in the form of a Council which should decide upon matters of common interest, with the power to make binding decisions.

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the archives of a Greek fortune-hunter named Zenon who hailed from Caunus in Caria.[1]

Zenon went into the service of Apollonius the Dioecetes of Egypt, remaining with this powerful man for fifteen years, from 261 to 246 B. C., at first as a courtier in his retinue. From the year 257–56 onward he was engaged with affairs on a large estate in the Fayum which was held by Apollonius as gift land from King Ptolemy. His service was that of general manager in charge of the development and organization of this great farm, which was newly reclaimed land.[2] From 246 to 238 B. C. after the death of Ptolemy II and the disappearance of Apollonius, Zenon still appears as a prosperous man engaged in large affairs of his own in the Fayum. In the Zenon correspondence we see an amazing number of Greeks who revolve about the central figure of Apollonius, all engaged in a complicated round of business activities. It is difficult to separate their activities, official, semi-official and private, one from the other. These Greeks were not producers. They were managers of official departments, exploiters of the wealth of Egypt and the labor of its people, whether as officials or lining their own nests. One of the more recent letters published by Edgar indicates how these Greeks followed one another into the Arsinoite Nome (the Fayum), as into a land of golden opportunity. There was no fixed immigration quota to bar anybody.

Plato to Zenon greeting. The bearer of this letter to you is Demetrius. It seems that his father happens to be making his living in the Arsinoite Nome. The lad therefore wishes also to get some employment there; and as he has heard that you were a kindly man, some of his friends have asked me to write to you regarding him in order that you may appoint him somewhere in your district. Please therefore do me this favor and see that he gets something to do, what-

[1] *Revenue Laws of Ptolemy Philadelphus*, edited by Bernard P. Grenfell (Oxford, 1896). The Zenon letters are widely scattered; but the greatest number have been published by C. C. Edgar in the *Annales du Service des Antiquités de l'Egypte*, vols. XVIII–XXIV, Cairo, 1919–1924 (cited as P. Cairo Edgar) and in the *Papiri Greci e Latini*, Publicazioni della Societa Italiana, vols. IV–VII (Florence, 1917–1925).

[2] M. Rostovtzeff, *A Large Estate in Egypt* (Madison, Wis., 1922), pp. 39–41.

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ever you may judge him fitted for; and look after him otherwise if he is useful to you.[1]

This lad Demetrius did not begin at the bottom, as do the Demetriuses who come to us, and work upward. He started near the top. It is worth noting that the approach of this lad to Zenon was through a man who knew neither himself nor his father, but through friends who knew Plato, who in turn stood in close business relations with Zenon, he obtained his recommendation.

Wilcken's study of the evidence from Egypt has led him to draw a carefully considered analogy between the mercantilism of Frederick the Great of Prussia and the policy of the Ptolemies in the third pre-Christian century. His conclusion is that the necessary external setting for the development of mercantilism was at hand in that period, except that one cannot speak of nationalism, in its modern sense, in Ptolemaic Egypt; and that the inherent group of economic tendencies which make up mercantilist practice were all to be found in the Ptolemaic economic system.[2]

Accepting Wilcken's conclusions I proceed to the application by the Greeks of their superiority in scientific knowledge, business organization and commercial energy to the Egyptian situation. Into a land which still used barter predominantly, in the exchange of goods, Ptolemy Soter, possibly his predecessor the Satrap Cleomenes,[3] introduced a money coinage system. By the middle of the third century the old methods of barter had obviously been displaced by money economy as the predominant system. Egyptian farm laborers upon the gift estate of the Dioecetes, Apollonius, working in gangs under a "boss," were paid their wages at the local bank in drachmas and obols

[1] P. Cairo Edgar, no. 102; *cf.* no. 82, a letter of introduction from Amyntas to Zenon, given to a young man named Zopyrus who hailed from Zenon's native city, Caunus in Caria.

[2] *Schmollers Jahrbuch für Gesetzgebung*, vol. 45, pp. 65–78. Wilcken might well have emphasized more sharply than he does (p. 68) the maintenance and use of a powerful naval and land force as a concomitant of mercantilism.

[3] *Ibid.*, p. 79.

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at the end of each day.[1] The gang boss was regularly an Egyptian. The laborers of Wisconsin Papyrus Inv. 1 were organized in groups of tens—ten, twenty or thirty men. Probably this arrangement is attributable to the resultant ease of reckoning at a bank which kept a strict accounting of the moneys paid out for Apollonius. This adjustment of the Egyptian peasants to the use of money had been surprisingly rapid. Early in 252 B. C. Zenon had given orders to a fellow Greek named Nicanor to buy up hay in the market by paying for it in wheat. We have Nicanor's reply,[2] which contains this significant remark: "No one in these districts will sell against wheat, but [only] for money." It is clear from the documents which we already have that money exchange did not entirely displace barter. In fact even the Greek head clerks under Zenon received some of their pay in kind, and paid their subordinates under the mixed system of naturalia and money.[3]

The most remarkable feature of the state system of the Ptolemies, as it now appears to us, is the range and character of the monopolies controlled by the state. In the oil and the paper monopolies the Ptolemaic state controlled production as well as sale. The papyrus monopoly, since Egypt was practically the sole source of the raw product, was complete. In oil manufacture this was not the case; and the Ptolemaic control of the oil output was watertight only locally, i. e. within the confines of Egypt.[4] We must add to these the complete monopoly of the banking business and the numerous fields of production in which the Ptolemaic state was an entrepreneur of overwhelming power as against the competition of private individuals or organizations. The result was a development of economic determinism which eventually deadened the energies of those very Greek agents whose enterprise had been so

[1] See the papyrus fragment P. Wisconsin Inv. 1, published by Westermann and Laird in *Journal of Egyptian Archaeology*, vol. IX (1923), pp. 81–90.

[2] P. S. I., vol. IV, no. 356.

[3] *Ibid.*, vol. VI, no. 571.

[4] See Rostovtzeff in *Journ. Egypt. Arch.* and Wilcken in *Schmollers Jahrbuch*, vol. 45, pp. 395–405.

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lavishly used by the state in building up its mercantilistic system in the third century.

No doubt in the reorganization of the state by the first two Ptolemies the loose machinery of the old Pharaonic state was taken over. It had been a machine in which at times the authority of the central government had predominated completely over all its subjects, but it had also, and more commonly in its long history, been accustomed to infringements upon the absolutism of the central authority by the powerful temple corporations and by individual feudal nobles. It was the Greek genius for organization and systematization which took this old machine and remade it into the logical and complete absolutistic bureaucracy of the Ptolemies. National control of production and industry in monopolistic form was not unknown to Pharaonic Egypt. But an equal share in the development of the Ptolemaic system of monopolies must be ascribed to Greek experience of monopolistic methods as practised spasmodically by the city-states and to Greek power of organization.[1]

In the sphere of tax-collection the application of Greek methods is more clearly defined. In the Greek city-states the right to collect definite taxes had been farmed out by the state. It is characteristic of Greek individualism and the general policy of economic *laissez-faire* which prevailed in the period of city-state separatism that the tax concessions were sold to individuals with relatively little state regulation. The Greek system of tax farming was introduced into the Ptolemaic state, but in a form admirably adapted to the needs of the absolutist state idea and to the exploitation of the laborious Egyptian nation by a foreign dynasty. The tax farmers were there. But beside them and working with them were the tax officials of the state, so that the free tax concessionaires of the old city-states became in Egypt agents of government control, under complete and rigorous regulation by the all-powerful state.[2]

In the field of large building and engineering enterprises the

[1] As suggested by Wilcken in *Schmollers Jahrbuch*, vol. 45, p. 396.

[2] See Rostovtzeff, *loc. cit.*

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place and value of Greek technical superiority in working out the problems of Hellenistic exploitation becomes most clear. So far as we can tell the construction of the harbors of Alexandria was included in the original city plan of Dinocrates of Rhodes. Along with him one Crates of Olynthus, a *taphrorychos*—we would call him a tunnel engineer—is mentioned as engaged in the city construction. To him may be ascribed, perhaps, the underground channels and the systems of cisterns by which the city's water supply was in antiquity, and still is, brought in from an arm of the Nile.[1] The builder of the great lighthouse on the island of Pharos, begun under Ptolemy Soter, was Sostratus of Cnidos. In the reign of Ptolemy Philadelphus the Nile was connected with the Bitter Lake, and thus the Mediterranean Sea with the Red Sea, by a canal which was called the Ptolemy River. We know nothing of its size. Nor do we know the engineers who were responsible for it. Our meagre information leaves the impression that it had one lock;[2] and we may reasonably suppose, from our knowledge of the other like enterprises of the time, that the designing and constructing minds which guided the work were Greek.

In discussing Hellenistic engineering it is best to lay aside all conjectures as to the Ptolemy River and its probable relation to the development of the East-African, Arabian and Indian trade under the Ptolemaic dynasty. For thanks to the Greek papyri found in Egypt we are happily in a position to follow in considerable detail the progress of a large enterprise, begun in the time of the second Ptolemy, which called for a high degree of skill in dam construction and irrigation engineering. This was the reclamation project carried on in the Fayum under the direction of a Greek engineer named Cleon in the years 258–252 B. C. and later of a second Greek named Theodorus during the years 245–237 B. C.[3] Cleon cannot be regarded as a

[1] Pauly-Wissowa, *Real-Encyklopaedie*, vol. I, p. 1382.

[2] Diodorus, I, 33, 11: "He devised an ingenious kind of barrier. This was opened up when he wished to sail through."

[3] The primary sources are to be found in the *Flinders Petrie Papyri* (hereafter cited as P. Petrie), edited by J. P. Mahaffy and J. G. Smyly, Royal Irish Academy, *Cunningham Memoirs*, vols. VIII, IX and XI (Dublin); *cf.* A. Bouché-Leclercq,

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specialist in hydraulic engineering alone. For his complete title was "engineer in charge of the [public] works in the nome,"[1] and his field of competence included the stone quarries, mines and public buildings of the Arsinoite Nome.[2] One of the sub-engineers in the service of Cleon in the year 255 B. C. was an Egyptian named Petechonsis;[3] and we now know of an Egyptian named Comoapis in the service of Zenon who also is called an *architecton*.[4] Despite his sounding title he appears rather as a construction boss in charge of dike repairs and letting out contracts for dike works than as a technically equipped engineer. The position held by Petechonsis, however, is one of unquestioned authority. It is very rare that a native is found, in the period of Apollonius, in a position of this kind, and its occurrence serves only to emphasize the general fact of the Greek leadership in positions of technical responsibility.

Information regarding the more essential part of the engineering task connected with the reclamation project in the Fayum has all been lost.[5] That task was the reconstruction on a more elaborate scale of the old Pharaonic dams near the point of entrance of the Bahr Yusuf into the Fayum. There were probably two of these dams. Strabo bears witness to the sluices of these dams "by which the engineers controlled the inflow and outflow of the water."[6] As evidence of the economic importance and the rather grandiose character of this enterprise I give a rough estimate of the amount of land reclaimed. It was probably about 200 square miles of the 490 square miles which form the present area of the Fayum.[7] In

"L'Ingénieur Cléon," in *Rev. des Études Grecques*, vol. XXI, pp. 121–52; and for the chronology, Westermann, "Land Reclamation in the Fayum," *Class. Phil.*, vol. XII, pp. 426–30. P. Petrie, II, no. 6 (p. 17).

[1] P. Petrie, II, 15 (2), a 2; and *cf.* Preisigke, *Berichtigungsliste*, 356.

[2] See M. Schnebel, *Die Landwirtschaft im hellenistischen Ägypten*, p. 45.

[3] P. Petrie, II, no. 6, p. 17.

[4] P. Cairo Edgar, 20 and 30.

[5] Grenfell, Hunt, Hogarth, *Fayum Towns*, Introd., p. 3, 5.

[6] Strabo, XVII, 35.

[7] Based upon a rough calculation of the surface freed from water according to the statement of Grenfell-Hunt-Goodspeed, *Tebtunis Papyri*, II, 349–50, as applied to the map at the end of that volume.

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other words the space uncovered for the intensive type of agriculture which prevailed in Egypt was about ten times the size of the island of Manhattan. To the construction of the dams one must add the enormous labor, all hard labor, of the digging of miles of ditches and the throwing-up of the dikes through which the Nile water was to be directed over this reclaimed area. In the building of the larger dikes stone must have been used at times.[1] But the embankments of the smaller canals were made of wattle-work and Nile mud. We have an estimate sent in to Apollonius of the cost of the work of irrigating his 10,000 *arourae* gift estate (6810 acres)[2] of reclaimed land near Philadelphia. A plan of the projected work was drawn at the top of the sheet containing the estimate.[3] From the plan it appears that the estate was in the form of a square measuring 3¼ miles on each side. The total length of canal and embankment construction required was 51.8 miles. The cost estimate was made in two forms, according to whether the work was to be completed during the winter or was carried forward into the harvest season when labor would be more scarce and the difficulty of the work increased by the drying-up of the soil.[4] In the first case the estimate was four drachmas for every seventy *naubia* of earth thrown up; in the other case it rises to four drachmas for every fifty *naubia*.

After they had revamped the old irrigation system of Egypt and increased its productive acreage by reclamation, these vigorous Greeks still had a superior agricultural knowledge and organizing ability to assist them further in their exploitation of a patient soil and a hard-working and servile people. They varied the crops of Egypt and perfected long-established Egyptian types of agricultural production, introducing the oil-bearing olives of Greece and Asia Minor. Olive production and the manufacture of olive oil had been a characteristic fea-

[1] See Schnebel, *op cit.*, p. 41.

[2] Following Wilcken's estimate of the size of the Ptolemaic *aroura* as given in *Grundzüge*, lxii.

[3] Reproduced by Rostovtzeff as the frontispiece to his interesting book, *A Large Estate in Egypt*.

[4] See P. Jouguet, *Papyrus Grecs*, I, no. 1, recto 13 to verso 10.

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ture of ancient Pharaonic economic life; but we must assume that the Egyptian olive was not considered by the Greek exploiters as suitable for oil production according to their standards of amount and quality of oil content in the fruit.[1] It is in this sense that I would explain the letter written by Apollonius to Zenon in 255 B. C.: "As for the shoots of the olive trees, take from my park and from the gardens in Memphis not less than 3000 of them; but before the fruit is gathered, indicate the [tree?] from which you intend to take (the shoots) and especially the wild olive . . .; for the Egyptian olive is not suitable for olive groves, but only for parks."[2] Along with the olive the Greeks of the early Ptolemaic period perfected also another ancient branch of agricultural production which Pharaonic Egypt had known thoroughly well from the earliest historic times. This was viticulture as a source of wine manufacture, one of the most highly remunerative phases of ancient agricultural industry.[3] It is significant that this perfected industry was amply protected from foreign competition during the period covered by the Zenon correspondence by a protective tariff[4] of fifty per cent applying to oils, and to certain kinds of wines classified as sweet, dry and Sestian wines.

They introduced new breeds of sheep, including an Arabian breed which was tended by imported Arabian herders. We now know of a particular Milesian breed which was not shorn, but plucked of its wool. After the plucking these sheep wore skins and were called on that account "skinclad" sheep.[5] This

[1] *Cf.* Theophrastus, *de caussis plant.*, VI, 8, 7; Pliny, *N. H.*, XV, 4; *cf.* F. Hartmann, *L'Agriculture dans l'ancienne Égypte* (Paris, 1923), pp. 66–67. Rostovtzeff's statement, *Large Estate*, p. 112, that the Greeks "introduced" the cultivation of olive trees, is not correct.

[2] P. Cairo Edgar, 100, notably the introduction. My explanation of Apollonius's letter differs from that suggested by Edgar.

[3] For viticulture in Pharaonic Egypt see F. Hartmann, *L'Agriculture*, 156–175 and H. F. Lutz, *Viticulture and Brewing in the Ancient Orient*, Leipzig, 1922. For its development as displayed in the Zenon papyri see Rostovtzeff, *op. cit.* (index), and P. Cairo Edgar, 51, introd. Rostovtzeff emphasizes the familiarity of the Greek settlers with wine manufacture, *op. cit.*, pp. 93–4.

[4] P. Cairo Edgar, 73, introd.

[5] Expended . . . "upon the sheep, for those who pluck the skin-clad sheep, 2 drachmas, 5 obols," see P. Cairo Edgar, 107, 1–4.

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custom of plucking the sheep in Egypt may well have been the basis of the cynical, but entirely apposite, remark of Tiberius to an over-zealous governor of that province: "I wish my sheep to be sheared, but not to be shaven clean."[1]

The interest of Ptolemy Philadelphus and his helpers in introducing new fruit trees and developing horticulture in Egypt was quite as marked as that in cattle breeding, oil and wine production. The Zenon correspondence gives ample testimony to this intelligent desire. One list of shoots given to an agent of Apollonius included six different varieties of fig trees, eleven varieties of grapes, an early-bearing apple, and an apple variety which produced two crops a year.[2] The king himself was personally interested in these agricultural experiments. Apollonius in the year 256/5 B. C. wrote to Zenon stating that the king had ordered him to sow two crops of wheat. "As soon as you have reaped the early grain, water the land by hand, or if this is not possible, set up as many irrigating machines as you can and thus water the land. But do not keep the water on the land more than five days. After letting the land dry, sow the three-months wheat immediately." A young American scholar has pointed out that this experiment in wheat-growing suggested by Ptolemy Philadelphus probably goes back to the scientific Greek literature of the time on agriculture, or at least to the scientific practice which was founded by Theophrastus.[3] For Theophrastus was thoroughly conversant with the fact that there were some wheat varieties which matured much more rapidly than others; and he definitely mentions a seed which matured in three months.

The scale of these operations carried on by the energetic group around Apollonius was by no means small. Apollonius sent one shipment to Zenon of 10,000 vine plants, 1700 cuttings and 500 pomegranate shoots.[4] He also sent orders to plant 300 fir trees in his park in the Fayum estate in an at-

[1] Dio Cassius, 57, 10.

[2] P. Cairo Edgar, 79.

[3] Rolf Johannesen in *Class. Phil.*, vol. XVIII (1923), pp. 156–161.

[4] P. Cairo Edgar, 96, introd.

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tempt to grow lumber there. No doubt this attempt to supply the one great economic want in Egypt was a failure, if this was what he had in mind. But one likes to think that his appreciation of the beauty which these trees will add to his park is a characteristic Hellenic trait. "For," he writes, "the tree has an attractive appearance and will be useful for the king."[1]

The construction of the caravan route from Coptus on the Nile to the northern Berenice on the Red Sea, is to be ascribed to Philadelphus and his helpers. The road was built, with water stations established at intervals, to protect and further the trade with the Trogodyte territory,[2] that is, the present Somali coast of Africa. By way of this desert route, or by ship up the Red Sea, came the Trogodytes who appear in the Zenon papyri. Presumably these Africans were used as "casual labor" by the manager of Apollonius's estate.[3] At least it is certain that laborers were imported from Syria into Egypt.[4] Along the Berenice-Coptus caravan route trudged the elephants which had been captured in central Africa and transplanted by ship from elephant stations on the African coast to Berenice. These elephant hunts were entirely commercial in their purpose, the animals being used chiefly as trained implements of warfare. Again we deal with a highly organized business enterprise of the Ptolemaic state. Its leaders held a regular command, probably with the title of "Strategus of the Hunting of the Elephants." All of these officials in the second half of the third century bear Greek names, as well as their higher agents. The Strategus worked from Berenice as his center. The actual hunters were African natives.[5] Here again we are dealing with Greek efficiency in organization, applied to the ends of Greek dynastic absolutism.

Egypt has been throughout its history what it still is—pri-

[1] P. Cairo Edgar, 95.

[2] U. Wilcken, *Papyruskunde*, vol. I, 1, p. 264.

[3] As suggested by Westermann in *Class. Phil.*, vol. XIX, p. 251.

[4] *Ibid.* The text should read "those laborers sent from Syria by Nicanor" instead of "into Syria."

[5] M. Rostovtzeff, "Zur Geschichte des Ost-u. Südhandels im ptol.-Röm. Ägypten," in *Archiv für Papyrusforschung*, vol. IV, p. 303.

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marily an agricultural land. The Egyptian *fellaheen* of the Ptolemaic period were unquestionably excellent practical farmers. They did know, empirically, the business of farming, and were thoroughly conscious of their superiority in this respect to the Greek gentleman-farmers and organizers who were placed over them. On one occasion they wrote to Apollonius himself as follows: "There are not a few mistakes in respect to these 10,000 *arourae* because no man skilled in farming is in charge. Please, therefore, summon some of us and hear what we wish to say to you."[1] Another Eyptian peasant named Psentaes sent in a complaint to Zenon that he was not being supplied with the requisite number of draft animals to carry on his farm work. Consequently the ground was drying out and cracking so that he would be unable to plant the seed in time. He wanted the draft oxen furnished, stating with pleasing pride, that, if it were done, "no one will work better than I and more quickly, just as my father, too, in the Saite nome always was ahead in comparison with the people there."[2]

The old Egyptian type of agriculture was good enough in its way. Probably the excellent system of crop rotations which we find in Hellenistic Egypt[3] had been practised for many centuries in the Pharaonic period. The bean is not scientifically minded. It does its work of supplying nitrogens to the soil just as amply for your farmer who is ignorant of its chemical processes as for your agricultural college expert who knows all the whys and wherefores of the plant. But despite the evident contempt of the Egyptian farmer, the Greek gentleman organizer and exploiter did have a great advantage. It lay in the fact that the Hellenistic Age developed a Greek technical literature on agriculture; and a townee from Caunas in Caria, such as Zenon was, could read this literature and develop rapidly both an intelligent interest in farming and a fair mastery of its practice. In fact King Ptolemy Philadelphus set the pace for

[1] P. London Inv. no. 2090, quoted by Rostovtzeff in his *Large Estate*, p. 75, note 66. The original is not accessible to me.

[2] P. S. I., 422, Psentaes to Zenon.

[3] See M. Schnebel's excellent study, *Die Landwirtschaft im hellenistischen Ägypten*, Munich, 1925, pp. 218 *et seq.*, 230 *et seq.*

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it by his own personal interest in such matters; and the great Treasurer-General, Apollonius, was not behind him. For it paid them both to do so.

The measure of the amount of old Egyptian practice which exists in the accounting system of these Greek exploiters can not yet be determined. Possibly it never can be. At any rate it was efficient; and because it was so meticulous and business-like one is inclined to regard it as Greek. We have accounts of Apollonius as he traveled with his retinue up and down the Nile, on business of the state and on his own affairs. Everything expended during these trips was accounted for, every sixteenth of a pint of sesame oil and kiki used in the hand lamps, every napkin given out by the keeper of the linen stores.[1]

When Apollonius and his retinue of Greek henchmen traveled, they traveled proudly, as befitted men who ruled a nation. A Cornell papyrus has given us a picture out of one of the tours of inspection of the great Dicecetes.[2] His ménage must have filled quite a number of ships. For he carried with him the clerical force of three accounting offices and two secretarial offices. The flotilla carried its own bakery with a Greek baker at the head; its own silverware; a steward's storeroom; two stables of horses for inland journeys; and bathing apparatus, with a bath master in charge.

The Zenon correspondence and documents leave an impression of tremendous vigor and action. Zenon was a business man and his letters are business letters. Therefore one must not expect to find, as one will not find, much trace of that interest in the intellectual and æsthetic amenities of life which one customarily associates with the Greek spirit. "We cultivate the arts without extravagance and the intellect without effeminacy. We care more for the uses of wealth than for its

[1] For the account of lamp oil see *Class. Phil.*, vol. XIX, pp. 230–34, 242–45; for the napkin and linen account, P. Cairo Edgar, 77.

[2] Published by Westermann in *Class. Phil.*, vol. XIX, as P. Cornell, 1. The conclusion there drawn that the document represented a situation existing upon the Fayum estate of Apollonius and was to be interpreted from that point of view has been changed in the light of other Zenon papyri recently published. It is to be interpreted as in the text above.

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show." Thus Pericles could boast of his fellow-Athenians of the fifth century. If Zenon and his fellow promoters and managers had the leisure for intellectual pursuits one wonders where in the world they found the time for it. These were exploiters. Contemplation they might well leave to their learned countrymen whom Ptolemy Philadelphus assembled in the Musaion at Alexandria. Philosophic interest and twenty-five per cent a year interest do not seem to be compatible intellectual exercises. We are quite sure of Zenon's twenty-five per cent interest, and that, too, from a fellow-Greek.[1] Therefore must we doubt him as a contemplative and philosophic mind. But we must not underestimate him. He and Apollonius, too, were expressions of the cultural energy of the ancient Greek world. Vivid, energetic, keen and ruthless, they and their like laid the foundations of Greek prosperity in the Hellenistic period, just as their Greek forebears of the same type had done in the seventh, sixth and fifth centuries before Christ. Upon the economic foundations which such men laid down the structure of Greek cultural priority, in both periods, was strongly built.

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[1] P. Cairo Edgar, 65–66, loan to Philon.

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THE FRENCH PRESIDENT AND FOREIGN AFFAIRS

THERE is a well known description of the President of the French Republic as a "mute idol in a pagoda".[1] His office has been called "a mere symbol to please the people";[2] the function of its incumbent, a journalist wittily said, is to hunt rabbits and not to govern. To be sure, the French Constitution grants the President of the Republic quite extensive powers. He can initiate, promulgate and execute the laws; he can dispose of the armed forces of the country, and he has large powers of appointment. In foreign affairs his authority is considerable.[3] He negotiates and ratifies trea-

[1] "Rarely," said M. Hanotaux, "has a more complicated pagoda been constructed to shelter a more diminutive god"—a god, indeed, which is forced to be mute, and which is without both responsibility and initiative.

On the French presidency generally see Leyret, *Le Président de la République* (Paris, 1913); Guy de Lubersac, *Les pouvoirs constitutionnels du Président de la République* (Paris, 1913); Soltau, "The Present Position of the President of the French Republic", *Economica*, May, 1921; J. W. Garner, "The Presidency of the French Republic", *North American Review*, March, 1913; Albert Guérard, "In the Realm of King Log", *Scribner's Magazine*, February, 1925; C. A. Hereshoff-Bartlett, "The Presidency of the French Republic," *Law Quarterly Review*, July, 1916. The differences between the French presidency and the presidency of the German Republic are discussed by Professor Edmond Vermeil, *L'Allemagne Contemporaine (1919–1924)* (Paris, 1925), p. 32 and "L'Allemagne au lendemain de l'élection présidentielle," *Revue politique et parlementaire*, May 10, 1925.

For an argument in favor of large powers to the President, who would be uncontrolled and even unadvised by Parliament, see H. Leyret, *Le Gouvernement et le Parlement* (Paris, 1919), p. 42.

[2] "Il y a à l'Élysée un monsieur que l'on met là sans trop savoir pourquoi, si ce n'est parce que, grâce à nos habitudes monarchiques, nous nous croirions perdus si l'État n'était pas symbolisé par quelqu'un."—Henri Maret, *Le Parlement* (Paris, 1920), p. 18.

[3] Poincaré in his book *How France is Governed* (N. Y., 1914) is no less trivial in discussing foreign affairs than he is in dealing with other matters. He says, "In international relations particularly the President of the French Republic plays a part of capital importance. In respect of foreign Powers he is the unique and permament representative of France. The envoys and ambassadors of these Powers are accredited to him by their respective governments.

"It is the President who negotiates and ratifies treaties. He negotiates them

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ties and gives "information regarding them to the houses as soon as the interests and safety of the state permit." But what the constitution gives it also takes away; the powers granted are nullified by the constitutional requirements that "every act of the President of the Republic shall be countersigned by a minister" and that "the ministers shall be collectively responsible to the houses for the general policy of the government and individually for their personal acts." Hence the President is likely to be an amiable figurehead. As Thiers said, he neither governs nor reigns. He is a "simple mannikin, a machine to parade and sign";[1] he is the ceremonial, not the real executive; his only official act which does not require the countersignature of a minister is his letter of resignation.

But such a description, while technically correct, fails to disclose the possibilities of the presidential office. The French President may translate titularity into reality; he may, that is to say, play an important rôle in the high policy of the country. This rôle, as M. Millerand's forced resignation showed, must not be too public; it must be off stage; it must not be played with open sympathy for a faction in the state. But the reaction against Millerand had slight if any effect on the powers of the French President behind the scenes. Such powers it is difficult to assess, for influence is a secret thing and works in hidden channels; it puts invisible links in the chain of cause and effect. There are, however, unmistakable and increasing evidences that M. Raymond Poincaré, as President of the Republic, was at times more than the ceremonial executive; that

through the medium and responsibility of the Minister of Foreign Affairs" (pp. 180–81).

More recently Poincaré has written: "The republican institutions of France are indeed conceived in such a manner that no one man can substitute his will for that of the people. No President of the Republic can act without the counter-signature of a minister and every minister is responsible to the Chambers for his actions. It would be a simple matter to show, year by year and point by point, that before the war as since, the foreign policy of France has been carried on in the open and in complete accord with Parliament." "The Responsibility for the War," *Foreign Affairs*, October, 1925, p. 3.

[1] Bonaparte's *mot* has also been applied to French Presidents, "des cochons à l'engrais."—Marcellin, *Politique et politiciens d'après la guerre* (Paris, 1920), p. 389.

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his real authority was much greater (although more secret) than that of M. Millerand; that, like the American President, he governed without reigning; and that also, there came a time when his influence was ignored, when he was effectively relegated to the position of a ceremonial mandarin.

Such an executive, who is irresponsible, whose power waxes and wanes, who must work behind the scenes, is a loose wheel which may play havoc with the constitutional machinery, however nicely its checks and balances are articulated.[1] Parliamentary control of foreign policy, for example, is difficult if not impossible when there is a *politique de l'Élysée*, for the French Constitution contemplates no more than the Quai d'Orsay and its supervision by Parliament.[2] Nevertheless, several Presidents of the Republic have shared in the formulation and execution of foreign policy. The imponderable influences thus exerted were no less weighty and dangerous because they were obscure, and the presidential influence of Poincaré was probably the most important of all. It is now emerging somewhat from its obscurity, for there is an increasing literature which portrays Poincaré as one of the principal villains in the

[1] "The two greatest faults of French foreign policy seem to be the inability of the French Foreign Office to divorce itself from the influence of purely domestic questions, and the complete impotence of the President in matters of foreign policy, although his position is particularly suited to exercise a beneficial influence in matters of diplomacy and foreign relations. As an instance of the first we need only recall the unfortunate influence which the controversies over the relations of the church and the state have had on the foreign policy of France; a striking example of the second, was the unimportant part which President Poincaré was forced to play in the greatest crisis of French history."—Graham H. Stuart, *French Foreign Policy* (1921), p. 374. The astonishing thing about French policy, however, has been its continuity in spite of cabinet changes; and what follows is sufficient to suggest that the President is not so powerless as Mr. Stuart thinks him. In any event "beneficial influence" is a phrase of varying content, and the point is as to parliamentary control.

[2] Indeed there are limitations on the right of Parliament to discuss the President of the Republic and his acts. In 1905, General Billot in the Senate debate on the army bill referred to the President's power of forcing a reconsideration. The President of the Senate (Fallières) interrupted and declared that the name of the chief of the state must not be brought into the discussion, and that, above all, he must not be appealed to against the will of the Chambers. Well might Casimir-Périer ask: "La lecture de la Constitution, sera-t-elle désormais interdite aux sénateurs?" See Pierre, *Traité de droit politique électoral et parlementaire, Supplément* (Paris, 1919), sec. 909.

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European tragedy which had the War for its climax.[1] Whether he was hero, villain, or, in view of Isvolsky's influence, simply the juvenile, will be long debated by the historians; but there can be little doubt that the detailed examination of his rôle now being made establishes beyond cavil the fact that in foreign affairs Poincaré was no mute idol; he was a real influence. It is this matter that I am concerned with here: what are the possibilities and limitations of the French presidency, particularly in respect of foreign affairs?

With a single exception up until the time of Poincaré the presidency of the French Republic was looked upon as an honorable retreat for veterans worn out by political battles. This theory led to the election of Grévy over Gambetta; of Carnot over Jules Ferry; of Félix Faure over Waldeck-Rousseau. The traditional republican fear of a strong executive, the effects of the crisis of 1877, and the intended mediocrity of the men chosen, all combined to emphasize the political irresponsibility of the President and the fact that he was chiefly important in respect of the forms of the constitution. Even these were not influential since in France there are few of those social influences which make it easier for the British king to overcome the handicap of his irresponsibility and play on occasion an active rôle in the affairs of his country. Social prestige does not thrive in republican soil which is ploughed by septennial elections. The single exception to the role of impotence was Casimir-Périer, who was elected after the assassination of Carnot. But, as is well known, after several months the President's energy was exhausted in struggling against the Republican party and the hostility of his ministers. He explained his resignation in the celebrated letter addressed to the *Temps* on February 22, 1905:

> The President can do nothing himself; he can validly place his signature beside that of another if he is asked to do so, but excepting his

[1] Ernest Judet, *George Louis* (Paris, 1925); Mathias Morhardt, *Les Preuves: Le Crime de Droit Commun; Le Crime Diplomatique* (Paris, 1925); Albert Fabre-Luce, *La Victoire* (Paris, 1925); Fernand Gouttenoire de Toury, *Poincaré, a-t-il voulu la Guerre?* (Paris, 1920).

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resignation all that he can sign alone only amounts to an autograph in a collection . . . among all the powers which appear to be attributed to him there is only one the President of the Republic is able to exercise freely and personally; this is to preside at national ceremonies.[1]

Several of these presidents, however, showed some interest in foreign policy. This is to be expected, for diplomacy, "the natural employment of monarchs", usually appeals to the ceremonial executive, who receives ambassadors and visiting sovereigns. Foreign policy is more unconnected with electoral preoccupations than are domestic issues and hence ministers are willing to listen to advice from the titular head of the state. The acts of commission or omission which have been influenced by presidents are difficult to ascertain, but they were unquestionably many and important. MacMahon, in spite of opposition, held on to the same foreign minister for four years and supported his policy; Grévy, whose self-effacement was consistent with his desire in 1848 that the presidency should be abolished, did not like alliances. M. de Freycinet has testified that Grévy's influence was not inconsiderable, and whether or no he was responsible for it, the alliance with Russia was not made until he went out of office.[2]

Sadi Carnot—the "outsider" of "perfect insignificance" as Clemenceau called him—had two major interests. According to M. Barthélemy he played an "undeniable" and "personal" part in the Franco-Russian alliance,[3] and he worked effectively for the establishment of better relations with the Vatican. So personal indeed was his rôle that it was objected to and compared not only to constitutional monarchy but to Louis XV. On the other hand, Faure's chief interest, apparently, was in the trappings of his office; he delighted in the semi-regal pomp of the Élysée. Of Loubet it may be said that he supported Del-

[1] Quoted in Leyret, *Le Président de la République*, p. 251.

[2] Grévy said in 1881 that "so long as I hold my post I will never allow France to launch an attack. I shall know how to pursue and make all the Ministers pursue a policy of peace." Gooch, *Franco-German Relations, 1871–1914* (London, 1923), p. 20. *Cf.* Bodley, *France* (New York, 1898), vol. I, p. 271 *et seq.*

[3] *Démocratie et politique étrangère* (Paris, 1917), pp. 148–50.

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cassé in his tentatives toward England; he received Edward VII and the Italian sovereigns on their visits to Paris, and while it is easy to overestimate the significance of these ceremonial functions they doubtless have some importance. In yielding office to his successor, Fallières, Loubet could boast of "having worked to maintain and develop the sympathies that the Republic has gained outside its frontiers." He worked at public dinners, at parades, at receptions, rather than in the cabinet; for in 1911 the Commission on Foreign Affairs of the Chamber of Deputies discovered that the 1904 agreements with Spain over Morocco had been made, not only without consulting the President of the Republic, but even without his counter-signature.[1] The absence of this raised a technical question as to whether the agreements were good juridically, but the matter was chiefly important in showing how the President could be ignored. The case was more curious because while Combes was premier he took little interest in foreign affairs, and did not think them of sufficient importance to occupy the time of the cabinet. Delcassé, the foreign secretary, and Loubet could deal with them. At this time the Socialists—in particular Jaurès—were more interested in problems of internal politics like proportional representation, and rather tended to underestimate the importance of external questions.[2] It appeared, on occasion, however, that Loubet was not in perfect agreement with his ministers. The divergencies were apparent, although they were minimized, when the President was called upon for public addresses; and whatever pressure he attempted to bring to bear on the cabinet was not sufficiently annoying to cause any protest. Moreover, since Loubet was the figurehead who was linked in the public mind with Edward VII as responsible for the plans of the Anglo-French Entente, the general approval accorded this policy was not hospitable to any discussion of the President's influence or impotence.

Loubet's successor—Fallières—failed to play any significant

[1] See Jèze, "Traités secrets", *Revue du droit publique*, 1912, p. 313.

[2] Robert Dell, *My Second Country* (*France*) (New York, 1920), p. 176.

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rôle as President.[1] Then came Poincaré, and it was discovered that the possibilities of the office had never been adequately comprehended. The presidential attitudes which have been briefly summarized were as nothing in comparison with what was done by M. Poincaré; and his activity was not unexpected, for it was realized in advance, both at home and abroad, that he was to be something more than a puppet whose strings were held by the cabinet.

At the time of his election he was prime minister and held the foreign portfolio. He thus brought to his new office much more than the usual authority.[2] More intimately identified with current politics and better known than any of his predecessors, he was no elderly mediocrity, no colorless politician who would be only a symbol and nothing more. On the contrary he was a portent. Foreign policy, that is to say, changed in spirit if not in letter when Poincaré succeeded Caillaux as foreign secretary. His attitude toward the three years military service law was not secret.[3] He had shown his desire to recall the "pacific" George Louis from St. Petersburg. His friends and his enemies were under no illusions as to his views. The Chambers in electing him knew perfectly well what they were doing, and they expected that he would be less of an automaton in public affairs, and particularly foreign policy, than previous presidents. Had there been any doubt of his attitude it would have been dispelled by his presidential message to the Chambers on February 20, 1913. He declared that "the weakening of the executive power is neither the wish of the Chamber nor that of the country. Without a firm and far-seeing executive authority, the efficient functioning of the administrative services would speedily risk being compromised and at certain times the public business itself would be menaced. During the whole of my magistracy I will take care, in collabo-

[1] The disregard of Fallières is evident in the Moroccan negotiations. Tardieu, *Le Mystère d'Agadir* (Paris, 1912), Part I.

[2] Barthélemy, *op. cit.*, p. 151.

[3] E. D. Morel, *Truth and the War* (London, 1916), chapter 16; Robert Dell, "A Great Criminal," *The Nation* (London), August 23, 1919.

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ration with the responsible ministers, that the government of the Republic will keep intact, under the control of Parliament, the authority which must belong to it." As Professor Jèze remarked at the time, "If he succeeds in realizing his program President Poincaré will inscribe an important date in the history of the Third Republic. But will he succeed?"[1] The question was answered in the affirmative.

What men seem to stand for in politics is sometimes just as important as what they do actually represent. Poincaré *seemed* to stand for a strong, fearless foreign policy.[2] There are ample evidences in the Belgian documents and the *Livre Noir* that Poincaré was looked upon as a strong, even unquestioning supporter of the Franco-Russian alliance, and reconciled to, although he never appears as inviting, France's entrance into war in support of Russia. The Isvolsky correspondence shows pretty clearly that Poincaré was not greatly concerned about counsels of moderation to Russia. He was a firm supporter of the alliance[3] and he did not make inconvenient inquiries about the objects which underlay the agreement. In November, 1912, Isvolsky reported Poincaré to understand that a Balkan dispute could bring Russia out of her passivity and that France's diplomatic support could be counted upon. The foreign minister further told the ambassador that Russia should take the initiative in a question in which she was principally interested; "the rôle of France is to lend her most effective assistance." In other words, "if Russia makes war, France will make it also."[4]

As president of the council and foreign minister, of course, M. Poincaré only pursued the foreign policy which the Chamber of Deputies was willing—perhaps through ignorance or indifference—for him to pursue; and if it was a dangerous foreign policy, the blame is equally that of the Chamber. The fault is in part the lack of parliamentary control. But if, after

[1] "La Présidence de la République," *Revue du droit public*, 1913, p. 125.

[2] See Pevet, *Les Responsables de la guerre* (Paris, 1922), p. 34 *et seq.*

[3] Welschinger, *L'Alliance Franco-Russe* (Paris, 1919), p. 221 *et seq.*

[4] Morhardt, *op. cit.*, p. 120.

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he became President of the Republic, M. Poincaré imposed the same policy on his ministers, he continued to be foreign secretary in fact although not in responsibility or name. Under these circumstances, the checks of Constitution give way; the idol in the pagoda is no longer mute; there is an influence behind the scenes which is completely removed from the processes of democratic control. European diplomats knew and relied upon this situation which was, to say the least, without precedent in the French parliamentary system. It may be said, of course, that they should have known Poincaré to be no more than the titular executive, but no disavowals or public criticism showed that the cabinet differed with or objected to the policies of the President. There was no error of estimate similar to that which in the Paris negotiations made European statesmen unmindful—perhaps purposely so—of the constitutional requirement that treaties negotiated by the American President must be submitted to the Senate for ratification.

In January, 1913, when Poincaré was elected, Isvolsky, fresh from an interview with the new President, reported with delight that he would not follow the example of Fallières and be content with a purely passive and decorative rôle. On the contrary, "he will influence by all means and at all times the course of French policy, principally in the domain of foreign affairs." Poincaré might not be able to retain a cabinet which found itself in a minority, but he would be able to secure a foreign minister of his way of thinking. Caillaux, Cruppi and Monis were out of office for seven years at least; Poincaré would preside at cabinet meetings when foreign affairs were discussed, and he had invited Isvolsky to see him frequently and to address him directly. Such an exception to the ordinary practice, Isvolsky reported, "will be profitable and very convenient for us."

The subsequent Isvolsky correspondence and Paléologue's diaries—which Poincaré's critics subject to meticulous examination—contain frequent evidences of the fact that the President's hopes were not exaggerated. How far cabinets were influenced is, of course, uncertain. How far the whispered word which fails to be disclosed was a factor, cannot even be guessed. The

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Livre Noir shows Poincaré as one of the principal actors in the drama; he is no supernumerary as was Fallières. Isvolsky dealt directly with the President. In the final days of the negotiations it is Poincaré who is appealed to for information as to France's policy. He told the Russian ambassador on August 1, 1914, that he himself and the whole Cabinet were "firmly determined fully to carry out the obligations of the alliance." There were, however, Isvolsky reported, certain "political" questions: "According to the French Constitution a Parliamentary decision is necessary regarding a declaration of war, and at least two days are required for the assembling of Parliament. Although Poincaré has no doubt as to its decision, he would prefer to avoid a public debate regarding the obligation and treaty of alliance." The march of events was such that when the debate actually took place, war had been forced upon France by the German declaration. Poincaré in his own book on the origins of the war, argues the constitutional correctness of his attitude, but the Chamber of Deputies was in no mood to raise such questions. Indeed, when Viviani met the Chamber he had a copy of the Franco-Russian Treaty in his pocket, but was not called upon to read it.[1] The terms were not published until later.

Writers like M. Morhardt argue, of course, that Poincaré did not go to St. Petersburg in 1914 to quiet France's ally and to avoid the conflict, but that he went "to fortify the energy of Pan-Slavism, to exalt the chauvinistic and imperialistic Russian passions, and to push toward extreme resolutions the irresolute and timorous Tsar Nicholas II."[2] That, naturally, is pure conjecture. Less conjectural is the share that Poincaré had in the recall of George Louis, French ambassador to Russia from June, 1909, to February, 1913, and it is on this incident that some of the attacks on the President of the Republic have been centered.

The matter was first argued several years ago by M. Goutte-

[1] Poincaré, *Les Origines de la guerre* (Paris, 1921), p. 60.

[2] *Op. cit.*, p. 300. See also Pierre Renouvin, *Les origines immédiates de la Guerre* (Paris, 1925), p. 258.

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noire de Toury,[1] who relied almost exclusively upon contemporary newspaper reports. The Isvolsky correspondence shows, however, that the Russian ambassador to Paris was anxious to have France represented in Russia by a man who would be less questioning and who would not counteract the ascendancy which Isvolsky seemed to be gaining over Poincaré. Louis was brought back to Paris in May, 1912, while Poincaré was premier and minister for foreign affairs, and there were rumors of his resignation. The Paris press then discussed whether this was due to Isvolsky, whose adventurous eastern policy Louis opposed. At that time, however, Louis had his own press support and was powerful enough to retain his post, but after Poincaré's election to the presidency, the ambassador was recalled from the St. Petersburg embassy and was succeeded by Delcassé. The order of recall was signed by Jonnart, the new foreign minister,[2] but during the interregnum between his election and inauguration, Poincaré kept watch on public affairs. Upon his resignation as prime minister, he, rather than Fallières, was consulted by Briand in respect of the formation of the new cabinet; he was in daily communication with M. Jonnart[3] and there was no doubt that the recall of Louis and the substitution of Delcassé was the policy of the President-elect. With the ex-foreign minister in St. Petersburg, the two Cambons in Berlin and London, and M. Barrère in Rome, the French foreign policy was given a unity that was pleasing to M. Poincaré.

Louis, who was placed on the retired list, died in 1917. Extracts from his diary have now been published, carefully edited by M. Judet.[4] They show, naturally, the influence of M. Poincaré in the recall, but the most controverted sections are those which report conversations with French statesmen on Poincaré's influence as President and his attitude toward the outbreak of the war. As reported by Louis, Stephen Pichon,

[1] *Poincaré: a-t-il voulu la guerre?* (Paris, 1920).

[2] Fabre-Luce, *op. cit.*, pp. 205–6.

[3] Jèze, "La Présidence de la République", *Revue du droit publique*, 1913, p. 124.

[4] *George Louis* (Paris, 1925).

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the Cambons, Deschanel and others agreed that Poincaré's election to the presidency had been unfortunate; that a less chauvinistic executive might have preserved peace; that there should have been greater restraints put upon Russia. The accuracy—even the fact—of the conversations has been challenged by a chorus of denials in the French press;[1] but the *carnets* of M. Louis are certainly evidence of presidential influence beyond that contemplated by the law, or the usual practice of the Constitution. The denials, moreover, are likely to be qualified in future revelations, for M. Poincaré is still a powerful figure in French politics.

Poincaré's influence during the war is equally difficult to estimate. So long as the President works in the dark he can be quite powerful, the degree of his strength depending upon the excellence of his case and the weakness or firmness of ministries. So long as the darkness continues he is safe. If he emerges as an independent figure like Edward VII he is certain to encounter criticism. Thus in May, 1915, Poincaré made a speech at Nancy and discussed possible terms of peace; objections were raised in the Chamber of Deputies.[2] If the President is openly on the unpopular side, like Millerand, he may have to go. But so long as the influence is secret, it can only be checked by the independence and strong-mindedness of the cabinet.

According to the record left by M. Ribot, Poincaré's hand, during the early stages of the war, was never off the conduct of public affairs. There were daily cabinet councils in the office of the President of the Republic. M. Poincaré kept in direct and permanent contact with his ministers. Constitutional fictions weighed little in the face of realities. "If France had been conquered, the President, although irresponsible, would in the eyes of the country have shared with his ministers all the responsibilities for the defeat." During the ministry of M. Briand, particularly in respect of the affairs of Greece, the

[1] They appear in the *Journal des Débats* (*éd. heb.*), Nov. 21 and 28, 1924. M. Poincaré's own version of this incident discloses nothing new. See *Foreign Affairs*, October, 1925.

[2] Barthélemy, *Démocratie et politique étrangère*, p. 145.

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President of the Republic did not approve the direction of foreign policy. Consequently the discussions in the cabinet were quite prolonged. Poincaré intervened, and, according to Ribot, engaged with the prime minister in dialogues which more than once degenerated into violent language. Ribot speaks with some authority since he was in the cabinet for three years during the war. Poincaré's influence was always exerted for more vigorous measures of waging the conflict.[1] There were no longer any cabinet councils; they were always councils of the Ministers, the distinction being that at the latter the President of the Republic is present and participates in the deliberations.[2] Poincaré and Briand apparently concluded the February 1917 agreement with the Russian Government without informing the cabinet; one member did not know of it until four months later when the news was communicated to him by M. Ribot, who in the meantime had become premier.[3] Doumergue, who was sent to St. Petersburg to talk to the Tsar, carried with him a letter from Poincaré to his "dear and great friend", but Russia's support of French ambitions was soon to be made valueless by the Revolution.[4] Poincaré was always careful, however, not to play a lone hand. Prince Sixtus's *dossier* on the Austrian peace offer reports Poincaré as saying that "as the head of a constitutional government, I must keep the President of the Council and the Minister of Foreign Affairs informed of what passes between us."[5]

Parliamentary control is difficult when a country is engaged in war. Politics is adjourned, and coalition governments eliminate criticism in the legislature. With no opposition to call attention to faults, there is the danger that ministers working in unexamined security will be permitted sins of omission and commission. In England the principal criticism of the govern-

[1] Alexandre Ribot, *Lettres à un ami* (Paris, 1924), pp. 15, 16.

[2] *Ibid.*, p. 127.

[3] Dell, *My Second Country* (*France*), p. 97.

[4] S. Maccoby, "The Rhineland in Inter-allied Negotiations during the War," *Contemporary Review*, February, 1924.

[5] Prince Sixte de Bourbon, *L'Offre de Paix séparée de l'Autriche* (Paris, 1920), p. 65.

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ment came from the newspapers; the press took the place of the parliamentary opposition. In France control was attempted by commissions of the Senate and Chamber of Deputies, and one ironical feature of this control was that the legislative delegations sought the assistance of the President against the ministry.

In December, 1914, and January and February, 1915, the Senatorial Commission on the Army, not satisfied with the explanations of the minister of war, M. Millerand, made a direct appeal to the President of the Republic. It pointed out that the President had named ministers whom Parliament could no longer overturn, since by an adjournment of politics there were no interpellations and the parliamentary régime was suspended. Consequently the President of the Republic as Commander-in-Chief of the Army and Navy was face to face with responsibilities "which the circumstances, without regard for constitutional rules, had placed upon him." In the opinion of the Commission, he should work against the inertia of his ministers; and he should oppose the constitutional scruples which ministers were likely to raise to presidential intervention. This appeal to the President was supported by de Freycinet, Bourgeois and Clemenceau; it ignored the constitutional fiction of the irresponsibility of the chief of state. The constitutional forms, however, were preserved when Poincaré was given the memorandum. The Commission's appeal was presented first to the minister of war who handed it to the prime minister, who finally put it into the hands of the President of the Republic. By this method the Constitution was safeguarded; the President of the Republic was not in direct relation with Parliament. Between him and Parliament the ministers had constitutionally interposed. But there was thus created the precedent for an appeal to the chief of the state which was several times followed during the war, and in June, 1915, there was direct correspondence between the President of the Republic and the reporter of the Senate Commission.[1]

During the same month Poincaré engaged in a voluminous

[1] Mermeix, *Au Sein des Commissions* (Paris, 1924), pp. 258–60.

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correspondence with Charles Humbert, a Senator who was greatly interested in the supply of *matériel* and appointments to staff positions in the army. The letters are reprinted by Mermeix, a pseudonym for a French writer who receives his information from high sources, and who discusses in some detail the struggle behind the scenes. Humbert complained of the war minister's attitude and Poincaré replied that he had no right to discuss with Humbert any decision of the government. He told him, however, that since the beginning of hostilities he had not failed, by all the means that the Constitution put at his disposal, to stimulate the activity of the military services. He had constantly put detailed questions to the minister of war and had not waited for the protest from the Senatorial Commission to attempt to speed up military preparations.[1]

On the foreign policy of successive cabinets, and on the energy of the ministries in waging the war, the President had a considerable influence. But this suffered a tremendous eclipse when Clemenceau became premier. There was no love lost between him and Poincaré; there was no need for the President to stir him up to more energetic endeavors, for Clemenceau was not a man to brook interference. During the last months of the war, therefore, and particularly during the Peace Conference, there was no *politique de l'Élysée*. Poincaré, indeed, was so opposed to the Treaty of Versailles that he almost resigned his office as a protest. He declared to the Chamber (November 23, 1923) that he had discussed resigning with the presidents of the Senate and Chamber and they had advised him to stay.[2] The consequences of resignation seemed too serious, and Poincaré, when he became premier, had to be the principal defender of a treaty which he thoroughly disliked. He had not been able to influence the signers of the treaty, which, however, was not valid without his signature; Foch was not listened to either. The Peace was thus entered into with

[1] Mermeix, *op. cit.*, pp. 376–388.

[2] Portions of the debate are reprinted in *Revue du droit public*, Oct.-Nov.-Dec., 1923, p. 643. See also Sisley Huddleston, *Poincaré, A Biographical Portrait* (Boston, 1924), p. 88; and Henri de Jouvenel, "La Politique Intérieure," *Revue bleue*, December 15, 1923.

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little control by Parliament and against the wishes of the President and the general who had carried off the victory. The reason for this was that the Clemenceau Ministry wished no interference from the President of the Republic; and when ministries take this position there is little danger that the constitutional theory will be departed from.

Poincaré's successor was Deschanel, who had avoided taking sides in political controversies and had carefully planned to secure the post. On account of illness he gave way shortly to Millerand, like Poincaré an active politician, and at the time of his election president of the council and foreign minister. The discussion of the position of the presidency then began in earnest for, when Millerand became President in 1920, his utterances indicated that he intended to work for an enlargement of his powers and responsibilities.[1] He compared the French and American conceptions of the presidency to the discredit of the former; he favored a revision of the Constitution to enable him to play his rightful rôle and, failing a journey of the Chambers to Versailles, he intended to be as big a man as he could. He did not choose his language carefully, as Poincaré had done in his presidential message seven years before. He proposed to be his own foreign minister, for he intimated that his premiers and foreign ministers would be expected to think and act as he would have acted had he remained in his ministerial position. But this situation would be difficult. It is not easy to see how the President can fulfill responsible functions while he occupies an irresponsible position. As M. Poincaré wrote at the time in the *Temps*: "What kind of ministers would these be accepting responsibility for the acts of someone else and with what heart would they defend them? The President would be reduced to working solely with subordinates. But the Chambers would soon tire of having before them only irresponsible spokesmen, and they would not wait long before

[1] On Millerand's proposals, see Thomas Barclay, "Monsieur Millerand and his Programme", *Nineteenth Century*, November, 1920; Huddleston, "President Millerand as Foreign Minister," *The New Europe*, October 14, 1920; Raymond Recouly, "Une Visite au Président Millerand", *La Revue de France*, November 15, 1923.

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opening the conflict. In order to avoid ministerial crises we should expose ourselves to presidential crises."[1]

One could almost anticipate the course of events. Until Millerand came into opposition with the Chamber he would be permitted to choose complaisant prime ministers who did not object to taking instructions from the President. As soon, however, as his policy differed from that of the Chamber, he would be in difficulties and then would have either to submit quietly or be beaten. Any strong premier with a Chamber behind him could put the President in his place. With Leygues, his first premier, there was no difficulty. He was only a figurehead and for the time being, Millerand governed just as he had as prime minister, but with the difference that he could not be dismissed by the Chamber. There was little difficulty either when Briand succeeded Leygues, although in this particular case the President intervened to dismiss Briand on account of the latter's weakness.

The French cabinet crisis of January, 1922, when Briand was succeeded by Poincaré, was an exceptional one from several points of view. It is almost a current axiom in French parliamentary circles that, "A Minister does not fall on a question of foreign politics",[2] but Briand went out on account of concessions in respect of reparations and his consent to treat with the Bolsheviks at Genoa. The remarkable fact, however, was that he was not defeated in Parliament. The Foreign Affairs Commissions had adopted some resolutions which were communicated to the premier; the Senate Commission in particular had sent him a warning, unanimously agreed to by twenty-five members, that no reductions in the reparations program should be consented to and that he should have confirmed all "the guarantees and methods of execution and the securities France now holds under existing treaties." M. Briand could have remained as president of the council. His majority would have been weak, but sufficient; the Chamber would not have under-

[1] Quoted in *Manchester Guardian* (weekly edition), October 19, 1923.

[2] Barthélemy, "Chronique de politique extérieure", *Revue politique et parlementaire*, February 10, 1922.

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taken to reverse the ministry and break up the international conference which was in progress at Cannes. The immediate cause of the resignation was President Millerand's disapprobation of Briand's policy. "M. Alexandre Millerand does not consider himself in reality at all bound by the precedent of M. Grévy," wrote Professor Barthélemy at the time. Millerand "does not intend to limit himself to making governmental gestures. Particularly in the matter of foreign policy he pretends to be something more than an interested witness." He proposed to make some use of the competence that the Constitution conferred upon him in foreign affairs. Consequently in this crisis Millerand called a meeting of the cabinet, consulted with it, and then sent Briand a telegram which was responsible for his return from Cannes and immediate resignation.[1] This procedure, however, was certainly contrary to the constitutional precedents. Had the crisis been any less serious such a presidential intervention would unquestionably have provoked a tempest in the Chamber; there would have been loud cries of personal politics. The reason for silence and acquiescence was that in this case Millerand had public opinion on his side; the question of procedure was secondary. He had the courage when the Chamber did not. But success in this case did not augur success if the conditions were different.

Poincaré was so strong as premier that there was little attempt to dictate to him. Indeed there was no necessity for it, since there were no marked divergences in the views of President and premier on the foreign policy to be pursued. Millerand's activities began to be manifested on the hustings rather than in the cabinet. He made a much discussed speech at Evreux in October, 1923. He there outlined a pretty complete political program which was the program of the *Bloc national* and which was to be presented by Poincaré to the country when he sought its support in the senatorial elections of January, 1924, and the general election in May. Millerand had made the first descent from the presidency to the political

[1] See François Albert, "Chronique politique," *Revue politique et parlementaire*, February 10, 1922.

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arena since Marshal MacMahon. He had posed as the champion of conservative ideas. He had opposed the policy of the Left in respect of the Church, labor legislation, financial policy, and the political liberty of public functionaries. Indeed, in connection with electoral reform Millerand had announced that he would resign if the Chamber voted to return to the system of *scrutin d'arrondissement*.[1] In an interview in the Paris *Matin* in March, 1924, on the eve of the election, he declared that he would call to office only a premier who held certain views and that if these views were not endorsed by the country at the election the situation might require an unusual measure. This again presumably was a veiled threat of resignation.

Millerand was checked, not by a strong premier or a parliamentary majority arrayed against him, but by the election. When Poincaré resigned on June 1 as a consequence of the victory of the *Cartel des Gauches*, the deputies of the Socialist, Republican-Socialist, Radical-Socialist, and Radical parties passed resolutions opposing M. Millerand's continuance in office:

> Considering that M. Millerand, President of the Republic, has in conflict with the spirit of the Constitution pursued a personal policy; considering that he has openly taken sides with the *Bloc national;* considering that the policy of the *Bloc national* has been condemned by the country; is of the opinion that the continuance of M. Millerand at the Élysée would injure the Republican conscience, would be the source of incessant conflict between the Government and the head of the state, and a constant danger to the régime itself.

M. Millerand declined to resign on the ground that he must represent the Constitution, which provided impeachment as a method of getting rid of the President. He asked M. Herriot to form a government; but M. Herriot refused on the ground of M. Millerand's conduct. M. Millerand then called upon M. François Marsal, who formed a phantom ministry which faced the Chamber of Deputies on June 10. This cabinet was defeated by 115 votes, and the Senate passed a similar resolution

[1] Jèze, "La présidence de la République", *Revue du droit public*, 1923, p. 632.

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declaring that it would recognize no ministry which did not represent a majority. M. Millerand thereupon decided to resign; his letter was read to both Chambers on June 11, and on June 13, the National Assembly met at Versailles and elected a new President.[1] M. Gaston Doumergue received 515 votes as against M. Painlevé's 309. Both candidates belonged to the Left, but M. Doumergue was favored by the Right, who acted on the principle, it was said, that "Cholera was better than the plague". There have been no evidences that Doumergue has attempted to be more than a ceremonial executive and the idea of a French presidency on the American model has been dealt a blow from which recovery will be delayed.

What has been said is sufficient to suggest, I think, that the constitutional laws by no means tell the whole story of the possibilities or limitations of the French presidency. Its incumbent is an uncertain factor in the parceling-out of power and influence. In some respects the language of the Constitution leaves the presidential authority dangerously vague. It is not clear whether the President may demand the resignation of a minister. He apparently has a freer hand in the selection of a cabinet than he has ever been able fully to utilize. Vetoes have sometimes been interposed; Loubet kept Clemenceau out of office for seven years[2] and Poincaré turned to him only in desperation. But French Presidents have not seemed to be successful in securing the ministers they desired. As to countersignature it is not certain whether the President thus avoids any responsibility or whether the ministers' joinder is chiefly important as a certificate of legality and as a check on the President.

[1] The documents in the case are published in the *Revue du droit public*, 1924, pp. 242, 463. Professor Duguit has argued that the attitude of the Chamber was unconstitutional; that the President of the Republic being responsible only in cases of treason, should not be thus dealt with by a majority of the Chamber. *Traité de droit constitutionnel* (Paris, 1924), vol. IV, p. 557. For an interesting discussion of the precedent that may have been established on June 10—that through a strike of ministers a Chamber majority may recall the President—see "La révision de la Constitution et les pouvoirs du président de la République," *Revue politique et parlementaire*, May 10, 1925.

[2] Faure was apparently responsible in part for the delay in reopening the Dreyfus case. *Cf.* George IV's attitude on Catholic emancipation.

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This and other ill-defined allocations of power have assisted in making the French presidency more a matter of personality than of constitutional intention. The office could have been transformed into something more than it is. Wise Presidents could have shaped it and the people would have been surprised but not alarmed to discover that the manikin had come to life. A sudden resuscitation, however, such as that attempted by M. Millerand only leads to disaster. In short, a number of different tunes have been and will be set to the words of the French Constitution, but any tune except one will be out of key with the parliamentary orchestra, and the harmony of legislature and cabinet which the Constitution seeks to achieve. The control of foreign policy, to change the figure slightly, is difficult if not impossible, so long as the titular executive behind the scenes is the concealed leader of the orchestra or the first violin. His proper rôle is that of drummer boy.

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SOME ANTECEDENTS OF THE AMERICAN DOCTRINE OF JUDICIAL REVIEW

SINCE the penetration of de Tocqueville disclosed to an admiring world the unique constitutional position of the American judiciary, much learning and ingenuity have been expended in an effort to trace that authority to its source. Aside from the elements of chance, personal psychology, and the pressure of contemporary events, all of which doubtless had a real if indefinable effect upon the courts which first enunciated the principle of judicial review, legal historians have pointed to a number of probable origins for that doctrine. Its dim foreshadowing has been discerned in the undifferentiated legislative and judicial functions of early parliaments,[1] it has been discovered in the ancient ideas of fundamental law handed down through Coke to reverent American jurists,[2] it has been found to be a result of colonial political experience[3] and of the transference of sovereign power from a legislature to a people.[4]

There is nothing mutually antagonistic in these views. All of them may have an element of validity, and it is unnecessary to disparage one in advocating another. Yet it has been maintained that since English lawyers of the seventeenth century claimed a right of setting aside acts of Parliament which were in conflict with "common right and reason," therefore the chief, if not the only legal basis in history for the principle of judicial review is the old conception of an overruling fundamental law. To the present writer this seems to be an unwarranted if natural assumption, and is the result of a confusion between the institutional and constitutional origins of the doc-

[1] C. H. McIlwain, *The High Court of Parliament.*

[2] C. G. Haines, *The American Doctrine of Judicial Supremacy;* E. S. Corwin, *The Doctrine of Judicial Review.*

[3] J. B. Thayer, *Legal Essays*, p. 3.

[4] C. B. Elliott, "The Legislatures and the Courts," POLITICAL SCIENCE QUARTERLY, 1890, vol. V, p. 224.

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trine. Even granting that Coke's famous dictum suggested to Americans the possibility of vesting in the courts a power of censorship over the legislature, it does not follow that the reason which Coke gave for his action was the only one which influenced Americans. Powerful as the argument from natural law may have been, it seems hardly possible that in the relatively brief interval between the Declaration of Independence and the enunciation of the doctrine of judicial review all the other reasons which were urged against the supremacy of the legislature should have been forgotten.

In so far as the controversy between England and the colonies was constitutional, it furnishes valuable material for an analysis of American and English theories of government. The main question at issue being the extent of parliamentary authority, it is reasonable to suppose that arguments which had more than a temporary provenance would not be quickly lost sight of, and that when the new government was taking form the position of the legislature would be scrutinized with anxious interest. As James Iredell said, "We felt in all its rigor the mischiefs of an unbounded authority, claimed by so weak a creature as man, and should have been guilty of the basest breach of trust as well as the grossest folly, if in the moment when we spurned at the insolent despotism of Great Britain, we had established a despotic power among ourselves." If American opposition to Parliament did not make inevitable the establishment of a judicial check upon the authority of Congress, it rendered it at least more acceptable than otherwise might have been the case.

The controversial literature drawn forth by the Townshend Acts embodies all the constitutional arguments which were urged against the authority of Parliament during the entire pre-Revolutionary period, and shows quite clearly the reasons why Americans might be expected to oppose the supremacy of a legislature whether it officiated at home or abroad. This literature has received less attention than that of the previous or of the later period. The reason is perhaps that, with the exception of John Dickinson, no paladins of debate like James Otis, Daniel Dulany, James Wilson, or Thomas Jefferson appeared

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to defend the American cause. Yet humbler individuals continued to think and write, often with considerable vigor and originality. In the following pages an attempt is made to survey the constitutional thought, official and unofficial, of Americans and Englishmen during the years 1767–1770, or from the enactment of the Townshend Revenue Act until its partial repeal.[1]

What may be termed the official constitutional theory of this period found expression so far as the American viewpoint is concerned in petitions to the Crown, to the House of Lords, and to the House of Commons; in communications to influential individual members of Parliament and in intercolonial letters. All these documents were drawn up by authority of the several colonial assemblies, or rather, of their lower houses. The Massachusetts House of Representatives and the Virginia House of Burgesses produced most of the official theory, other colonies being apparently content to follow more or less tardily in their wake.[2]

The official British view is quite simply stated. It had been set forth in the Declaratory Act of 1766 and was reiterated from time to time by ministers in Parliament.

> Be it declared . . . that the said colonies and plantations in *America* have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of *Great Britain*, and that the King's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of *Great Britain*, in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of *America*, subjects of the crown of *Great Britain* in all cases whatsoever.[3]

The grievances which the colonists complained of in their

[1] The fullest references to constitutional writings of these years are still to be found in Bancroft's *History of the United States*, vol. V, ch. 29–44 (Routledge ed.), and Frothingham, *Rise of the Republic of the United States*, ch. 6.

[2] It should be noted that Samuel Adams is responsible for the papers of Massachusetts from 1768 to 1770.

[3] 6 Geo. III, c. 12. William MacDonald, *Documentary Source Book of American History, 1606–1913*, p. 140.

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petitions, addresses and memorials to the home government include the revenue measures of 1767, the acts suspending colonial legislatures, extension of the Treason Act of 35 Henry VIII to the colonies, the quartering of troops on refractory provinces and the activities of the admiralty courts. The remonstrances are declarative and argumentative: they assert claims to exemption from these regulations and give reasons for the objections. With the arguments based on the commercial inexpediency of this legislation we are not here concerned, although they figured largely in the controversy. The constitutional arguments may be roughly grouped under four heads: those based on charter rights, those involving applications of natural law, those utilizing colonial ideas of the British constitution, and those depending upon principles of equity. It is perhaps needless to say that these categories are far from being clearly distinguished in the documents themselves and can only be justified on the score of convenience of treatment.

The argument drawn from charter rights was by this time moribund, yet it is produced by Governor Pitkin of Connecticut in his letter to the Earl of Hillsborough,[1] 10 June, 1768. Quoting the charter of Charles II which gave the inhabitants of Connecticut "all liberties and immunities of free and natural born subjects within any of the realms of us, our heirs or successors, . . . as if they and every of them were born within the realm of England," Pitkin observes that it appears "we ought not to be taxed without our own consent any more than our own fellow subjects being within the realm of Great Britain."[2] As we should expect, Massachusetts, another colony still operating under this form of government, makes brief reference to its charter in a letter to Henry Seymour Conway, a member of the cabinet and a colonial sympathizer, but this reference is entirely incidental to the principal burden of Massachusetts's argument, which rested on quite different grounds.[3] Rhode Island also mentioned charters as granting

[1] Secretary of state for the colonies.

[2] *Connecticut Public Records 1768–72*, p. 85.

[3] H. A. Cushing, *The Writings of Samuel Adams*, vol. I, p. 191.

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exemption from parliamentary interference and even Virginia claimed that self-taxation and trial within the colony were based on "their Right by Charters granted to the first Settlers of this Distant Country."[1]

In the colonial documents of 1768–70 the doctrine of natural rights which was exploited independently later on is tied up with American ideas of the British constitution. This interdependence is succinctly and frequently stated in the papers of Massachusetts. "It is the glory of the British Constitution, that it hath its foundation in the law of God and nature. It is an essential, natural right, that a man shall quietly enjoy and have the sole disposal of his own property. This right is adopted into the constitution."[2] The assembly of North Carolina believed the "Late Imposition of Taxis [*sic*] . . . to be Totally Unconstitutional and distructive of the Natural Rights and Privilidges of Mankind,"[3] while the Virginia House of Burgesses maintained that "the Natural Rights and first Principles of the English Constitution were very early engrafted into the Constitution of the Colonies."[4] If the British constitution is thus intimately connected with the natural rights of men it follows that "there are fundamental rules of the constitution, which . . . neither the supreme legislature nor the supreme executive can alter." Hence the constitution is "fixed", as it must be in all free states.[5]

At this point the question naturally arises: What were these "fundamental rules" of the British constitution? It is not strange that the colonists should have discovered that they included all the points at issue between America and the mother country. One of these principles has been indicated in the foregoing paragraph. The right of self-taxation was buttressed by every argument which the colonial legislatures could produce—charters, natural law, the British constitution and equity

[1] Virginia, *Journals of the House of Burgesses 1766–1769*, p. 85; Rhode Island, *Records of the Colony*, vol. VI, pp. 559–61.

[2] *Writings of Samuel Adams*, vol. I, p. 135.

[3] North Carolina, *Colonial Records*, vol. 7, pp. 877–9.

[4] Virginia, *Journals of the House of Burgesses 1766–1769*, p. 167.

[5] *Writings of Samuel Adams*, vol. I, p. 152.

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all fortified it. We shall see later why above all other privileges Americans were at such pains to defend this one. Here we are concerned only with its assertion as a principle of the British constitution. In memorializing the House of Lords, the Virginia House of Burgesses "presume not to claim any other than the natural Rights of British subjects; the fundamental and vital Principle of their happy Government, is known to consist in this: that no Power on Earth has a Right to impose Taxes upon the People or to take the smallest Portion of their Property without their Consent, given by their Representatives in Parliament." Other colonies spoke in no less certain terms.[1]

What further rights as British subjects and partakers in the benefits of the constitution did Americans uphold? One of the most important was the possession of a local legislature free from the coercion and interference of the home government.[2] But the maintenance of a standing army could not be reconciled to the constitution.[3] Transportation of prisoners for trial in England was also "highly derogatory of the Rights of British Subjects",[4] and "those who have falsely represented to his Majesty's ministers . . . that there was a necessity of extending the power of the courts of admiralty here, are avowed enemies to the constitution."[5]

If the constitution guaranteed certain rights which Parliament itself could not lawfully disregard, reason demanded that some authority aside from the bare assertion of colonial legislatures should specifically declare these rights to be valid. Again we find this difficulty most clearly perceived and encountered in the argument for self-taxation. As a natural right it must of course be immediately evident to all candid minds. It was, said Samuel Adams, "so familiar to American subjects, that it would be difficult, if possible, to convince them

[1] *Journals of the House of Burgesses 1776–1779*, p. 166; Bradford, *State Papers of Massachusetts*, p. 134; New York, *Journals 1766–1776*, p. 16; New Hampshire, *Provincial Papers 1764–1776*, p. 249.

[2] New York *Journals 1766–76*, resolutions of 31 Dec., 1768.

[3] Bradford, *State Papers*, p. 178.

[4] Virginia, *Journals of the House of Burgesses 1766–1769*, pp. xxxviii-xxxix.

[5] Bradford, *State Papers*, p. 179.

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that any necessity can render it just, equitable, and reasonable, in the nature of things" for Parliament, rather than their own legislatures, to impose taxation.[1]

Yet perhaps there were individuals who refused to admit that the truth of this principle was self-evident. New York referred them to the great charters of English liberty. "We humbly conceive . . . that it is a fundamental right principle in the English Constitution, declared in Magna Charta, and confirmed at the glorious revolution, by the petition and bill of rights."[2] Moreover, if a privilege has been enjoyed for a long period unchallenged its validity becomes sanctioned by prescription. The right of taxation "has been recognized by long established Usage and Custom ever since the settlement [of this colony], without Precedent to the contrary, unless the passing of the late Stamp Act."[3] All other immunities of British subjects are guaranteed in the same fashion. "Your Majesty's royal predecessors have not only authorized the emigration of their subjects into these parts of the British Empire, but from the earliest settlement thereof to the present day, constantly acquiesced in the enjoyment of those rights and privileges, on the same tenure of subjection by which their ancestors, the first emigrants, held them in their native country, and by which your Majesty's British subjects do still continue to hold and enjoy them."[4]

Besides the appeal to charters, natural law, and the principles of the British constitution, another argument by which the colonists sought to justify their resistance of parliamentary authority is what for want of a better term may be called the dictate of equity. In the immediacy of its appeal to reason it resembled the doctrine of natural law, but as it only applied to local conditions it perhaps lacked the authority of that eighteenth-century dogma. In a word, it seemed reasonable to Americans that those who had undergone hardships and privations in set-

[1] *Writings of Samuel Adams*, vol. I, pp. 135–6.

[2] New York, *Journals 1766–1776*, p. 16, 11–13.

[3] Pennsylvania, *Votes and Proceedings of the House of Representatives*, vol. VI, p. 103.

[4] New York, *Journals 1766–1776*, pp. 11–13.

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tling a pioneer community, were entitled to control its destinies and could transmit that right to their descendants. "Our Ancestors," said North Carolina, "at their first settling, amidst the horrors of a long and bloody war, with the Savages, which nothing could render supportable but the prospect of enjoying here that freedom which Britons can never purchase at so dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all the rights and liberties of your Majesty's natural-born Subjects within the present State."[1]

We have seen that the colonies in their official papers denied the right of Parliament to interfere in their affairs in specific instances, and that they supported their contentions with a variety of arguments. When it came to defining the positive scope of the home government's authority we should expect to find much less clear statements. Practically injurious claims necessitated detailed refutation; beyond that, delicate questions might be left for the present in decent obscurity. But the powers which Americans admitted to be constitutionally vested in the imperial government were far from unimportant. With conciliatory deference New York protested that the colonies do not "affect even the most distant desire of independence of the parent kingdom; the constitutional dependence of the colonies being effectually secured by their total incapacity of enacting laws repugnant to those of Great Britain; by the royal negative to which all their acts are subject; and by their constitution; which fixes in Great Britain the last resort in the administration of justice."[2] It was universally recognized that a "constitutional subordination", an "unexceptionable Loyalty" was owed to the English Parliament.[3] But if the hope was indulged in England that by the admission of colonial representatives Parliament's authority might be recognized as absolute, the colonists were quick to dispel it, for with their limited acknowl-

[1] North Carolina, *Colonial Records*, vol. VII, pp. 980–2.

[2] New York, *Journals 1766–1776*, pp. 15–17; also Virginia, *Journals of the House of Burgesses 1766–1769*, p. 167.

[3] Georgia, *Journals of the Commons*, vol. XIV, p. 644; New Hampshire, *Provincial Papers 1764–1776*, p. 189, etc.

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edgment of parliamentary authority was always coupled the assertion that such a representation was impossible. Distance, diversity of interest, expense, the structure of colonial government, and the "utter impracticabilty of their being fully & equally represented" rendered it undesirable and undesired.[1]

Did this "constitutional subordination" to Parliament imply the recognition of an untrammeled right in that body to regulate trade? If the regulation was for purposes of revenue it certainly did not. The colonies had found themselves in an awkward position when Charles Townshend, ironically acquiescing in their distinction between internal and external taxes, secured the revenue act of 1767. They now held that any imposition, whether external or internal, for purposes of revenue was in effect a tax and as such could only properly be levied by their own legislatures. Virginia even undertook the more delicate task of reconciling the old distinction between external and internal taxes with the new one between impositions for revenue and those for regulation of trade.

> That the Parliament may make Laws for regulating the Trade of the Colonies has been granted . . . But a tax imposed upon such of the British Exports as are necessaries of Life to be paid by the Colonies upon importation, and this not with the most distant view to the interests of Commerce, but merely to raise a Revenue, or in plainer Words to compel the Colonists to part with their Money against their inclinations, your Memorialists conceive to be a Tax internal to all intents and Purposes[2].

Georgia, without going through the formality of an argument "must Lament that by their Imposition of Internal Taxes we are deprived of the Privilege which with humble deference We apprehend to be our indubitable right that of Granting away our own property."[3]

Yet this general legislative supremacy of Parliament was rendered yet more tenuous by one or two significant hints to be

[1] Bradford, *State Papers*, p. 135; Rhode Island, *Colonial Records*, vol. VI, pp. 561–2; Connecticut, *Public Records*, p. 87.

[2] Virginia, *Journals of the House of Burgesses 1766–1769*, p. 167.

[3] Georgia, *Journals of the Commons*, vol. XIV, p. 644.

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found in the American documents. Massachusetts, through Samuel Adams, intimated that trade regulation was founded on quite as unsubstantial bases as impositions for revenue. "It must be considered that by acts of Parliament the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great Britain, save a few articles. This gives the advantage to Great Britain of raising the price of her commodities and is equal to a tax. This in reality is a tax, though not a direct one."[1] Another limitation is indicated in the papers of Virginia. In the resolutions of protest against the Stamp Act words had been used which seem to imply that the Assembly had the exclusive right to legislate internally for the colony. "The people of Virginia," it was said, "have enjoyed the right of being thus governed by their own assembly in the article of taxes and internal police," and in another place they spoke of "their Right of being governed by such Laws respecting their internal Polity and Taxation as are derived from their own consent with the approbation of their Sovereign."[2] In 1768 the same idea was repeated in stronger phraseology. "They most humbly implore your fatherly goodness and Protection of this and all their sister Colonies in the enjoyment of their antient and inestimable right of being governed by such Laws only respecting their internal Polity and Taxation as are derived from their own consent with the approbation of their Sovereign." It is doubtful whether the intention behind these expressions is as far-reaching as it appears to be. Perhaps the Virginians were protesting merely against interference in the routine matters of government in particular colonies such as was taking place in Massachusetts and New York. Whether they would have refused to admit that Parliament had a right to legislate generally for the colonies in any internal matter whatever, it would be difficult to

[1] Bradford, *State Papers*, p. 128.

[2] Virginia, *Journals of the House of Burgesses 1761–1765*, pp. lxv-vii, lv. Frothingham, *Rise of the Republic*, p. 205, says: "This law-making power regulated the 'internal police'; which meant that it provided for the elective franchise, representation, trial by jury, the habeas corpus, the concerns of order, education and religion."

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show.[1] As will be seen later, however, even more radical views were entertained by individual writers at this period.

The official constitutional theory of the years 1768–1770 was admirably moderate, even submissive, in tone, but on points which the colonists regarded as fundamental, uncompromising in substance. The foremost place was given to arguments drawn from contemporary ideas of the British constitution mingled, as we have seen, with the prevailing philosophy of natural law. Charter rights remained a seductive weapon which had not been entirely discarded. Where the interests of the colonies were not immediately engaged there was a conspicuous lack of definiteness in statement, a deficiency which indeed was natural in view of the controversial purposes for which the documents were composed. The scope of Parliament's powers was defined for the most part by negation and even in the case of its generally admitted right to regulate trade, Massachusetts was careful to point out that this was little more than veiled taxation.

Turning from official constitutional opinion to the popular ideas which appeared in the form of pamphlets, newspaper articles, private letters, and the parliamentary debates, we notice at least three ways in which the latter differ from the former. In the first place, private controversialists did not confine themselves so much to specific grievances but gave freer rein to their imaginative and argumentative faculties, their opinions cover a wider range from conservatism to extreme radicalism, and there is a less sharp cleavage between the opinions of Americans and Englishmen, for the latter often argued quite as enthusiastically on the side of their fellow subjects overseas as any colonist except the most radical could desire.

Following the method used in discussing the official opinion, that is, examining first the claims put forward by Americans and their sympathizers abroad, and then looking at the argu-

[1] Yet Thomas Hutchinson, Lieutenant-Governor of Massachusetts, in a letter of 27 March, 1768, says, "The authority of parliament to make laws of any nature whatsoever in the colonies is denied with the same freedom their authority to tax the colonies has been for two or three years past." Frothingham, *op. cit.*, p. 205, footnote. Virginia, *Journals of the House of Burgesses 1766–1769*, p. 168.

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ments advanced in their support, we find some diversity of opinion as to how far Americans would go in denying the authority of the British government. We have already noticed Hutchinson's opinion, and Cadwallader Colden, formerly governor of New York, spoke with like pessimism at the beginning of 1768. "Papers are daily published at this time in all the newspapers denying the legislative authority of the Parliament of Great Brittain [*sic*] over the colonies, exhorting the people to refuse obedience & infusing into their minds the most unworthy sentiments of the Parliament. These are openly encouraged. Not the least inquiry into the authorship or publishers of them by any Court of Justice or by the Council or Assembly."[1] He repeated the idea a year later. Edward Bancroft, on the other hand, maintained that "exemption from the jurisdiction of Parliament, was never exhibited by any advocate of the Colonies. . . . The Colonies do not deny the Authority of Parliament in any Particular, except that of arbitrarily taking away their Property, actually acquired through all the restraints which Parliament has opposed to the Acquisition."[2] Both views were in part correct. American claims varied from a modesty such as Bancroft described to a degree of ambition beyond Colden's fears.

Historians unite in assigning to the Farmer's Letters of John Dickinson a foremost place among the controversial literature of this period. Their contents have been so often and ably analyzed that a detailed treatment can be dispensed with here. More will be said later of the constitutional argument of Dickinson's work, but its convenient distinction between taxes for revenue and impositions for the regulation of trade needs to be mentioned in this place. His position had, however, been strikingly anticipated in this respect by a Boston writer who,

[1] New York Historical Society, *Collections*, *1877*, vol. X, p. 149, Letter to Lord Mansfield of 22 January, 1768; p. 182, Letter to Grenville of 1 January, 1769.

[2] *Remarks on the Review of the Controversy between Great Britain and her Colonies*, London, 1769. Bancroft was an American, living at this time in England and intimate with Benjamin Franklin and Joseph Priestley. He later continued a colorful career as an American and an English spy, an inventor, and a fellow of the Royal Society. The pamphlet was published anonymously. See Appleton's *Cyclopedia of American Biography* and Lamb's *Biographical Dictionary*.

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replying to the argument that since the new revenue act carried only external duties no fault could be found with it, said:

> Do you suppose that it is of any importance to us, whether we are, without our consent, drained of our money by an internal or an *external tax?* I know not of any magick charm in the term *external* tax that should make us more content to be ruined by that than by an *internal tax*. I would ask these gentlemen whether they know why the colonies have in times past more strenuously opposed an internal than an external taxation, if they do not I shall charitably inform them: an internal tax has commonly been designed to raise a Revenue, and therefore could not by any means be fixed by the British Parliament upon the Americans without militating with a fundamental principle of the British government viz. *that no man can be taxed without his consent, either by himself in person or by his representative.*[1]

This distinction was eagerly grasped by contemporaries and left its impress on much of the official writing as well as on less formal productions.[2]

In Dickinson's opinion almost all the grievances with which the colonies were burdened could be traced to this usurped right of taxation. "A dangerous example is set in the last act relating to these colonies. The power of parliament to levy money upon us is therein *avowed* and *exerted*." "If the people of *New York* cannot be legally taxed but by their own representatives, they cannot be legally deprived of the privilege of legislation, only for insisting on that exclusive privilege of taxation." Taxation without consent was, he believed, equivalent to slavery.[3] Yet he willingly assigned to the British Parlia-

[1] *Boston Gazette*, 26 October, 1767, letter signed "Pelopidas."

[2] *Cf. Boston Chronicle*, 21 March, 1768, a letter from the free-holders and inhabitants of Boston to the "Farmer." "'Tis to you, worthy sir! that America is obliged for a most reasonable, sensible, loyal and vigorous vindication of her invaded rights and liberties." The same paper, 8 February, 1768, letter from a gentleman in Boston to his friend in Philadelphia. "Your *Farmer's* second excellent letter [which contained the distinction between duties for revenue and for regulation of trade] was republished here in our paper of the 21st. On the 22d we had a meeting of our town, and drew up instructions for our representatives, in which, as they will be published, you will preceive [*sic*] that we pursue the principles laid down by your worthy *Farmer* concerning the late act of parliament."

[3] P. L. Ford, *Writings of John Dickinson*, vol. I, pp. 357–8, 310.

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ment a supremacy in matters of trade. If it should happen that Parliament disguised taxation under the semblance of regulation, the colonists might detect it by the intention of the act itself. "I hope these colonies will never, to their latest existence, want understanding sufficient to discover the intentions of those who rule over them."[1] As Professor Becker has epigrammatically remarked, "The argument, subtle but clear, deriving the nature of an act from the intention of its makers, and the intention of its makers from the nature of the act, contributed more than any other exposition to convince Americans that they 'have the same right that all states have of judging where their privileges are invaded.'"[2]

Subtle, clear, and attractive though the reasoning of Dickinson may have been, it formed but the starting point for yet further claims. George Washington could see but little difference between direct taxation and the restraint of manufactures.[3] Benjamin Franklin was verging toward a denial of Parliament's claims in all cases whatever.

> I am not yet master of the idea these . . . writers have of the relation between Britain and her colonies. I know not what the Boston people mean by the "subordination" they acknowledge in their assembly to Parliament, while they deny its power to make laws for them, nor what bounds the Farmer sets to the power he acknowledges in Parliament to "regulate the trade of the colonies." . . . The more I have thought on the subject the more I find myself confirmed in opinion that no middle doctrine can be well maintained, I mean not clearly and with intelligible arguments. Something might be made of either of the extremes: that Parliament has a right to make *all laws* for us, or that it has a power to make *no laws* for us; and I think the arguments for the latter are more numerous and weighty than those for the former.[4]

A pamphlet which attained wide circulation in 1768 and was

[1] Ford, *op. cit.*, pp. 348-9.

[2] C. L. Becker, *The Eve of the Revolution*, pp. 133-4.

[3] Jared Sparks, *Writings of George Washington*, vol. IV, p. 130, letter to George Mason of 5 April, 1769.

[4] John Bigelow, *Works of Benjamin Franklin*, vol. IV, p. 130; letter to William Franklin of 13 March, 1768.

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probably written by William Hicks, a Philadelphia lawyer and later a member of the provincial council of Pennsylvania, denies the legal right of Parliament to regulate trade.

> We have heretofore with the greatest warmth and unanimity denied to the parliament of Great Britain the power of raising money upon us by any *internal tax*, and we boldly remonstrated against the Stamp-act, as an act of violence and oppression. How inconsistent then must our conduct appear if we willingly subscribe to that authority which "can limit our trade, restrict our manufactures, and bind us in every respect, but that of taking money out of our pockets without our consent"; since it cannot but be perceived that this *restraining power* will have as pernicious an effect both upon our liberty and our property, as any other with which our enemies could wish to curb us . . . Under the pretense of regulating our trade we may be stripped of our property; and with an appearance of limiting our manufactures, we may insensibly be robbed of our liberty.[1]

The author is willing, however, to concede a regulative power to Parliament from motives of expedience provided the colonies are given representation in the British legislature.[2]

John Adams in 1768 defended John Hancock against a charge of smuggling by asserting that his client had not consented to the act under which he was being prosecuted. "Indeed," said he, "the consent of the subject to all laws is so clearly necessary that no man has yet been found hardy enough to deny it." But it means more than a virtual or constructive consent, which is only a "cry to deceive the mob."[3] In a town meeting of Abingdon, Massachusetts, it was declared that

[1] *The Nature and Extent of Parliamentary Power Considered*, published at Philadelphia, 1768, and reprinted the same year at New York. Portions of the pamphlet were published in the *New York Journal*, the *Boston Gazette*, the *Boston Evening-Post*, and the *New York Gazette and Weekly Advertiser*, all during the early months of 1768. The evidence of authorship is a note in an apparently contemporary hand on the copy in the Library of Congress. For the identity of Hicks see *Minutes of the Provincial Council of Pennsylvania*, vol. IX, p. 663, and vol. X, p. 12; C. P. Keith, *The Provincial Councillors of Pennsylvania*, p. 456. I am indebted to Mr. Charles Martel, Chief of the Catalogue Division of the Library of Congress for these references to Hicks.

[2] *Nature and Extent*, etc., pp. 28–9, and pp. xi-xiv.

[3] C. F. Adams, *Works of John Adams*, vol. II, p. 215.

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even the king's authority resulted from voluntary recognition of it by the first settlers. "The right of sovereignty over the inhabitants of this Province, claimed by any former British King, or by his present Majesty, by succession, was derived to them and is derived to him by recognition of the forefathers of this country, of his then Majesty, as their Sovereign, upon the plan of the British constitution." [1]

One of the strongest statements of the dominions idea—that is, that the various parts of the empire are autonomous states united only in subordination to the crown—appears in a pamphlet by Silas Downer, a Son of Liberty of Providence.

> We chearfully recognize our allegiance to our sovereign Lord, *George* the third, King of *Great Britain*, and supreme Lord of these dominions, but utterly deny any other dependence on the inhabitants of that island than what is mutual and reciprocal between all mankind. . . . I cannot be persuaded that the parliament of *Great Britain* have any lawful right to make *any laws whatsoever* to bind us, because there can be no fountain from which such rights can flow.

Not only the exercise of the taxing power but every other kind of parliamentary authority is liable to abuse. The acts of trade are an example. He ends by advocating the non-importation agreements even if they should "distress the manufacturers and poor people of *England*," adding with patriotic callousness, "Charity begins at home and we ought primarily to consult our own interest; and besides, a little distress might bring the people of that country to a better temper, and a sense of their injustice toward us." [2] A writer in the Boston *Evening-Post*, sheltered by the appropriate pseudonym of "Providus", is even more outspoken. "For my part, I know nothing of laws, kings, or dominions, independent of the will of the people . . . the alone natural source of all legislative and executive right whatsoever." [3]

[1] *Boston Gazette*, 2 April, 1770.

[2] *A discourse, delivered in the Colony of Rhode-Island upon the 25th day of July, 1768, at the Dedication of the Tree of Liberty*, published anonymously at Providence in 1768. Pp. 14-15.

[3] Issue of 21 November, 1768.

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Englishmen were also divided on the subject of American claims. Probably the majority aside from the Government supporters were concerned only with admitting as many of them as would restore tranquility on the other side of the Atlantic. The debates on the repeal of the Revenue Act of 1767 seem to indicate as much. Alderman Beckford, for example, believed that "America ought to be taxed, in all that regards her trade. I was the first man who said, you ought not tax her for the purpose of revenue. . . . I believe they will never submit to the internal taxes."[1] Conway also accepted the new distinction between taxes for revenue and for regulation of trade,[2] and Pownall (the former governor of Massachusetts), Chatham and Burke were concerned chiefly with getting rid of the immediate abuse. Yet others in England would have gone somewhat further. Burke himself, referring to Virginia's legal argument opposing the extension of the treason act of Henry VIII's reign to the colonies, says Virginia shows "better reasoning upon the constitution than we do."[3] A writer, evidently English, in the *Boston Chronicle*, held that Americans had "never opposed with violence any act of our legislature which was strictly constitutional . . . They now say, and justly, 'By the British Constitution, no man shall be governed nor taxed but by laws made by himself or by his representatives.'"[4] The dominion relationship was unmistakably asserted by an anonymous English pamphleteer of 1769. "The colonists did and do not object to acknowledge our claims over their commerce, though I am fully convinced they can be supported on no other reasonable foundation than the concessions made by the colonies . . . The colonists are indeed the subjects of the same crown, but with regard to their internal policy and government, distinct and independent states."[5]

The reasons which were urged in support of the varied claims just dealt with are divisible into about the same categor-

[1] Cavendish, *Debates*, p. 400.

[2] *Ibid.*, p. 217.

[3] Hansard, *Parliamentary History*, vol. XVI, col. 674–5.

[4] Issue of 21 Nov., 1768.

[5] *A Letter to the Earl of Hillsborough*, London, reprinted Boston, 1769.

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ies as were the official arguments. Aside from expediency, we discover that charter rights, natural law, and the historic British constitution proved unexpectedly fruitful in the hands both of American sympathizers and of parliamentary apologists.

Although arguments from expediency have strictly no place in the present survey, it is perhaps pardonable to introduce the subject here, chiefly because several of the most prominent members of Parliament sought no more subtle reason for their action in the controversy. Edmund Burke was of this number. "I shall not now enquire into the right of Great Britain to tax her colonies, 'all that is lawful is not expedient,' and I believe the inexpediency of taxing our colonies, even supposing it to be lawful, is now evident to every man in this kingdom."[1] Thomas Pownall, a sincere friend of the colonies and even a correspondent of the Sons of Liberty,[2] unwaveringly supported the abstract right of Parliament to tax but condemned the use of it as "unjust, inefficient, and directly contrary to all the principles of commerce respecting your own interests."[3] Withdrawn from the more bitter political strife of these years, Chatham awarded his sympathy to the colonies without going too deeply into questions of principle. "He lamented the unhappy measures which had divided the colonies from the mother country, and which he feared had drawn them into excesses which he could not justify. He owned his natural partiality to America, and was inclined to make allowances for those excesses."[4]

A few references to charter rights still occur. Two petitions from communities in Virginia to the Assembly protest that, "Contrary to the Magna Charta and the Charters granted to the several colonies, the Parliament hath again assumed to themselves the Right of laying Taxes and Impositions on the People of America," and that "the British Act by requiring a Supply for quartering Troops . . . is an internal tax destructive of their Liberty and Rights, founded as they are on the English

[1] Hansard, *Parliamentary History*, vol. XVI, col. 725.

[2] Letters of Pownall to Samuel Cooper, pp. 83–5. A manuscript copy in the Bancroft Collection of the New York Public Library.

[3] Hansard, *Parliamentary History*, vol. XVI, col. 613.

[4] *Ibid.*, col. 649.

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Constitution, confirmed by Charter, and frequently recognized by the British Parliament."[1] The town of Boston also spoke of their rights under the charter of William and Mary.[2] But the conception, hinted at in these quotations, of charters as merely declarative of old rights rather than as initiating new ones, had more explicit advocates. Arthur Lee wrote, "Our *American* forefathers had no absolute occasion for charters to confirm their liberties to their descendants, as it must have been concluded that we were in course intitled to them; but they justly considered, that a possession so dear as liberty could not be guarded with too much security."[3] According to Silas Downer, the Providence lawyer quoted above, "Our charters . . . must be considered as only declaratory of our rights and in affirmation of them."[4]

The law of nature, however, was found to operate with unimpaired vigor. George Canning, father of the statesman, scoffed at what he considered unscientific philosophizing. "Reasoning *à priori* is in every respect as false, and leads as certainly to error, in the moral, and political, as it is now universally confessed that it did, for a series of ages, in the natural world. . . . I am well aware that, on a larger scale of abstract reasoning, all men are at all times universally free—But the laws of Nature are applicable only to its state. Its state and its laws have been found alike inconvenient."[5] But Canning himself fell into the pit he had set out so carefully to avoid, and Americans were not likely to surrender lightly a defense so consonant with the popular thought of the age. The issue was particularly clear with regard to taxation. The English Committee of the Supporters of the Bill of Rights addressed

[1] Virginia, *Journals of the House of Burgesses, 1766–69*, pp. 146, 148.

[2] *Boston Evening-Post*, 19 September, 1768.

[3] *New York Journal*, 14 April, 1768. Lee wrote under the pseudonym of "Monitor."

[4] *A Discourse, etc.*, p. 6. Downer was called a scrivener and "was often employed by the people in drawing up deeds." (*Magazine of History*, 1918, preface to the extra number volume. The pamphlet is reprinted in full as No. 64.)

[5] *A Letter to the Right Honourable Wills, Earl of Hillsborough*, London, 1768. This pamphlet should not be confused with the anonymous one of similar name referred to above.

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their sympathizers in the South Carolina legislature to the effect that "Property is the natural right of mankind; the connection between taxation and representation is its natural consequence."[1] The town of Boston, ever notable for trenchant utterances, instructed its representatives in 1767 that "it is without controversy, the natural right of every man, and the constitutional right of every British subject, solely to dispose of his own property."[2] A year later Boston took even higher ground. "It is the first principle in civil society, founded in nature and reason that no law of the society can be binding on any individual without his consent, given in person or by his representative."[3] A writer in the *Boston Gazette* asked whether, if the British government struck at the vitals of colonial liberty, "the political union, connection, &c., &c., of these Colonies to the British Empire and government are not hereby entirely dissolved, and the Colonists reduced to a state of nature?"[4] The British constitution itself, it was held, was only confirmatory of the law of nature.[5] The right of self-taxation "is *inherent*, and cannot be *granted* by any but the Almighty. It is a natural right which no creature can *give*, or hath a right to take away. The great charter of liberties, commonly called *Magna Charta*, doth not *give* the privileges therein mentioned, nor doth our charters," but only confirm them.[6]

Thus, as in the case of the official documents, popular discussion of the fundamental rights of man merges naturally into considerations of the British constitution as a bulwark of colonial defense. The same references to great constitutional settlements like Magna Charta and the Bill of Rights, as declaratory of fundamental law, and the same insistence on the rigid character of the constitution occur. It will perhaps be useful to fix our attention here upon opinion as to the sphere of Par-

[1] *Annual Register*, 1770, part 1, p. 225.

[2] *Boston Chronicle*, 21 December, 1767.

[3] *Annual Register*, 1768, p. 238.

[4] Issue of 5 September, 1768. Anonymous letter.

[5] *Boston Gazette*, 18 January, 1768. "Patriae Amator."

[6] Silas Downer, *op. cit.*, p. 6.

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liament's authority. Any recognition of the constitutional supremacy, in an absolute sense, of Parliament was of course inadmissible from the colonial standpoint. This was quite frankly stated by Samuel Adams. An English apologist had said that "'when an act of parliament is once pass'd, it becomes a part of the constitution.' This I confess at once shuts the mouth of all Americans from complaining of revenue acts, or any other acts of parliament, as *unconstitutional*; for what is an essential part of the constitution I think cannot be unconstitutional."[1] Parliament, it was said, was assuming toward America the same arbitrary attitude that the king had formally assumed with respect to Great Britain.[2] Magna Charta, the Bill of Rights, the Act of Settlement etc., were therefore the only protection Americans possessed against such action. Hence Parliament must be limited to that extent.

We cannot . . . subscribe to those two sayings of my Lord Bacon, which are quoted to this effect, "that England can never be undone unless by Parliaments" and "that there is nothing which a Parliament cannot do". Great Britain, according to our present constitution, cannot be undone even by Parliaments, for *there is something which a Parliament cannot do*. A Parliament cannot annul the constitution, and whilst that is preserved though our condition be bad, it cannot be irretrievably so. The *legislative* is a *supreme* and may be be called in one sense an *absolute*, but in none an *arbitrary power*.[3]

As Alderman Beckford put it, "Acts of parliament are not like the laws of Medes and Persians: an act of parliament against common right is a nullity: so says lord Coke."[4] The town of Abingdon, Massachusetts, waxed rhapsodical. It voted "That—

[1] *Writings of Samuel Adams*, vol. I, p. 286. Letter to the *Boston Gazette*, 9 January, 1769.

[2] *Massachusetts Gazette*, 19 October, 1767. Letter signed "Your sincere compatriot".

[3] *Boston Gazette*, 19 October, 1767. Letter signed "a Friend to the Constitution".

[4] Cavendish, *Debates*, pp. 83–4.

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> Nature has left a tincture in the blood,
> 'That most men would be tyrants if they could,'
> And if the greater don't the less devour,
> 'Tis not for want of will but want of power

is a solemn truth." [1]

A friend of George Grenville, William Knox,[2] who became in 1770 undersecretary of state for the colonies, was at a loss to understand how the colonists could claim that documents like the Petition and Bill of Rights which were parliamentary in origin could be cited in limitation of Parliament's power. With more appositeness than he perhaps intended he added, "But as Dr. Franklin says, 'the *same words* have not always the *same meaning* in America as they have in England.'" [3] To mollify the colonists and remove their fears of an arbitrary disregard of constitutional guarantees, Pownall suggested that the Petition of Right, the Habeas Corpus Act, the Act for abolishing Star Chamber, and the Bill of Rights be embodied in "a Kind of Bill of Rights, *for Extending those Statutes to his Majesty's dominions in America* . . . The Question was new even to our Lawyers, and one of the *very first* of them told me *it was of that magnitude* he wou'd hope for time to consider it before I should bring it on." [4]

But it was held that Parliament's authority was circumscribed in another way. It did not represent the colonies and consequently was incompetent to handle certain matters which could be dealt with only by a representative assembly. What these matters were differed in scope according to the radicalness or conservatism of the individual writer. As we have seen, they

[1] *Boston Gazette*, 2 April, 1770.

[2] *Dictionary of National Biography*, vol. XXXI, pp. 366–7. Knox (1732–1810) was a councillor and the provost marshal of Georgia where he resided, 1757–61. He was undersecretary of state for the colonies until the abolition of that department in 1782. He wrote numerous pamphlets, one of which, composed in collaboration with Grenville, drew a famous reply from Burke: *Observations on the Present State of the Nation.*

[3] *The Controversy between Great Britain and her Colonies Reviewed*, 1769. Part of this pamphlet was written by George Grenville (pp. 67–86). (See Knox, *Extra-Official State Papers*, 1789, appendix to Part II, p. 15.)

[4] Letter from Pownall to Cooper, 25 February, 1769; pp. 59–61 of the manuscript copy above referred to.

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ranged from taxation to the entire field of legislation. The colonial legislatures therefore were, at least for certain purposes, coordinate with Parliament. "The word Constitution . . . means," said a Boston writer, "a settlement of the legislative authority which in the British Empire is a composition of the three principal forms, Monarchy, Aristocracy, and Democracy." These are present in the legislatures of Ireland, Scotland, Great Britain and the colonies. In America the crown has a right to disallow certain legislation. But "the colonies have never considered themselves in any sense subject to the control of any fifth and sixth legislative power as the L——ds and C——s of Great Britain must be if each only claim a right to disallow."[1] As a matter of fact the claim of representation was admitted publicly or privately by even those who held it was not founded upon a legal right. The sensational case of John Wilkes then being fought out in England was an object lesson for Arthur Lee. "Many are the lesser grievances which *America* feels and resents; but the great one, that on which the rest are grafted, is *the violated right of representation*."[2] General Conway in debate declared: "I have always considered it the birthright of every Englishman, to have a voice in framing every law by which he himself is to be taxed. . . . [The Americans] are not even virtually represented among us."[3] "Representation, we are told, is only *virtual*, that is imaginary," said a Philadelphian.[4] Another writer pointed out the fallacy of those who reasoned that certain classes of people in England were no more represented in Parliament than Americans.

Imperfect as the representation of that country may be, yet there is not a spot in Britain, which is not within the pale and comprehension of representation. The principal towns and villages, not incorporated, are each a part of some county which chuses representatives. And there is not almost in the whole kingdom one man so inconsiderable,

[1] *Boston Evening Post*, 1 August, 1768.

[2] *The Political Detection*, London, 1770, p. 64.

[3] Hansard, *Parliamentary History*, vol. XVI, col. 872.

[4] *Essex Gazette*, 16 August, 1768.

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as not to have some share or influence in a general election; though the modes of electing prescribed by parliament may withhold him from the very act of voting.[1]

The decision of the Court of Exchequer in regard to Ireland was pointed to. "*Hibernia habet parliamentum & faciunt Leges, & nostra statuta non ligant eos, quia non mittunt Milites ad Parliamentum.*"[2] Grenville, Pownall, Knox and Francis Maseres, all of whom were staunch supporters of the unlimited authority of Parliament, were willing from motives of equity to grant a representation to the colonies in Parliament.[3] This, of course, was precisely what Americans did not desire.

The question could not fail to be raised as to the exact constitutional position America occupied with respect to the crown. Were the colonies part of the realm of England and therefore subject to the King, Lords, and Commons just as the island of Great Britain was, or did a dominion relationship exist, in which coordinate parts were united by the crown? Benjamin Franklin was specific in his answer. "Writers . . . often confuse the idea that all the King's dominions make one state, which they do not nor ever did since the conquest. Our kings have ever had dominions not subject to the English Parliament." Scotland formerly was such an one, and Jersey, Guernsey, Hanover and Ireland are present examples, although in the case of Ireland "the British Parliament has *usurped* a dominion over it. The colonies were originally settled in the idea of such extrinsic dominions of the King and of the King only."[4] Another advocate of the dominion relationship argued that since by a resolution of the Privy Council laws of Parliament applied to the colonies only if they were specifically named therein it meant that America was outside the territory

[1] *Considerations on the Dependencies of Great Britain.* London, 1769.

[2] *New York Journal*, 3 September, 1767, quoting a writer in the *Boston Gazette.*

[3] For Knox and Grenville, see Knox, *Extra-Official State Papers*, vol. II, pp. 32–3; Pownall, *Administration of the Colonies* (fourth edition), p. 141; Maseres, *Considerations on the Expediency of admitting Representatives from the American Colonies into the British House of Commons*, London, 1770, p. 3.

[4] *Writings of Franklin*, vol. IV, p. 309.

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of England. Moreover the King possessed the undoubted right of alienating territory "not previously annexed to this kingdom," and of releasing subjects from their allegiance. This power was frequently made use of in treaties of peace on the cession of territory. "In the exercise of this undisputed prerogative, the sovereigns of this realm have granted to the colonies the charters and privileges which are the objects of their present contention, and by which they were rendered distinct states, united in one common sovereign."[1] Knox inveighed against such mistaken notions, which confused the actions of the King with those of the crown. All acts of the crown granting land in the colonies have been under the Great Seal. "It is the seal of the state, and distinguishes the acts of the state from the private acts of the King."[2] Alderman Beckford interposes once more with unassailable authority. "The realm of England includes the whole dominion of England; see Johnson's Dictionary."[3] Grenville feared that the title of the Treason Act of 35 Henry VIII which it was proposed to extend to the colonies would confirm Americans in the opinion that they were "outside of his Majesty's dominions."[4] Pownall and Knox were careful to point out that it was the status of the colonies as part of the realm which gave them a claim to the protection of Magna Charta, the Bill of Rights etc., and also a right to interference of Parliament in their behalf in case of arbitrary action by the King.[5] Bancroft was more optimistic about the ability of Americans to look after themselves. "All those alarming Apprehensions of Danger from our falling into the Hands of prerogative . . . appear to have no just foundation. A King might, indeed, invade the Rights of the Colonies in spite of those Compacts by which they have been solemnly confirmed, But the same King might, with equal Justice and Facility, infringe the Great Charter of English Liberty; and," he slyly added, "from the corruption which at

[1] *A letter to the Earl of Hillsborough*, pp. 4, 9.

[2] *The Controversy, etc.*, p. 30.

[3] Cavendish, *Debates*, p. 208.

[4] Cavendish, *Debates*, p. 201.

[5] *Administration of the Colonies* (fourth ed.), p. 50; *The Controversy, etc.*, p. 5.

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present universally prevails in this Kingdom, I doubt not but it might be effected with more impunity than in the Colonies."[1]

A few political writers of the period of the Townshend legislation believed that the safest way to determine the exact constitutional relationship between Great Britain and her colonies was not by appealing to general principles of the British constitution which might be interpreted according to exigencies of debate, nor by drawing analogies from the status of Ireland, Scotland and the Channel Islands, but by examining actual historic precedents for parliamentary control or colonial autonomy. The investigations of Thomas Pownall, of William Knox, and of George Grenville pointed toward the supremacy of Parliament, those of John Dickinson toward the independence of the colonies, at least in the matter of taxation. Thus even the verdict of history was not unequivocal.

Pownall stated his general position in a speech on his motion for repeal of the Revenue Act. "The parliament hath, and must have, from the essence of the constitution, has had and ever will have, a sovereign and supreme power and jurisdiction over every part of the dominions of the state, to make laws in all cases whatsoever; this is a proposition which exists of absolute necessity—its truth is intuitive and need not be demonstrated."[2] His historical justification for this "intuitive truth" is contained in the fourth edition of the *Administration of the Colonies*, published in 1768. Like the other sovereigns of Europe the King of England had assumed illegally in the beginning a supremacy over the colonies. It was in virtue of this usurped power that his ministers in 1621 and 1624[3] denied that Parliament had a right to "'meddle in these matters.' And although the bill for a free fishery, to the disannulling of some clauses in the King's charters passed the House, as also the House came to form some very strong resolutions upon the nullity of the clauses in the charters; yet the House took no further cognizance of the plantations till the commencement of

[1] *Remarks on the Review of the Controversy, etc.*, pp. 11–12.

[2] Hansard, *Parliamentary History*, vol. XVI, col. 612.

[3] He quotes the *Journals of the House of Commons* of 25 April, 1621, and 29 April, 1624.

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the civil wars. Upon this ground it was the King considered the lands as his demesnes, and the colonists as his subjects in these his foreign dominions, not his subjects of the realm or state."[1] Before the Rebellion the colonies were expressly or implicitly established as counties palatine like Durham in England. This was necessary, for, "the fact is, that the constitution of the government of England as it stood at that time, founded upon, or built up with the feudal system, could not extend beyond the realm."[2] But the kings of England "took up the idea of comparing these to the duchies of Gascoigne or Normandy", and an administration like that of Jersey, which was part of the old duchy of Normandy, was set up. "Appeals from the provincial law courts were established; not to the courts of equity here in England, but as appeals from the courts of Normandy were brought before the King, as Duke in council." Fortunately the island of Jersey possessed a legislative assembly and as a result legislatures were granted to the American colonies.[3] "As political liberty became better understood," the King's interference in American affairs decreased, although the practice of judicial appeal to the "Duke in council" still survived. If the King attempted to curtail in any way the liberties which his subjects possessed when they migrated, they were justified in resisting his action.[4] But the colonies acknowledged their subordinate status by asking permission to leave England. "The direct and necessary consequence of this subordination must be, that the legislature of England . . . must have power to make laws which should be binding on the Colonies; contrary or repugnant to which the Colonies could not act, either in their legislative, or executive capacity." Parliament had asserted its rights in 1621 and 1624; it again claimed and exercised a supremacy during the Rebellion, Commonwealth and Protectorate. "If we doubt whether the King, as lawful Sovereign, could legally himself

[1] *Administration of the Colonies*, p. 48.

[2] *Ibid.*, pp. 56, 59.

[3] *Ibid.*, pp. 60–62.

[4] *Ibid.*, pp. 64–65.

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exercise or commission persons to exercise those powers assumed in his commission of 1636 . . . we may *a fortiori* doubt the right of these powers in the two houses called then the parliament acting as Sovereign—No precedent therefore can be drawn from this period."[1] But "upon the restoration of the monarchy, when many of the rights of the subject, and of the constitution were settled, the constitutions of the colonies received their great alteration: the King participated the sovereignty of the colonies with the parliament, the parliament in its proper capacity was admitted to a share in the government of them: The parliament then first . . . interposed in the regulation and governing of the colonies."[2] The result was that "from the uncontroverted right and universal idea of the subordination of the colonies to the government of the mother country, this power, by which parliament maketh laws which shall be binding on the colonies hath been constantly exerted by the government of England . . . and submitted to by the colonies."[3]

The precedents which Grenville and Knox brought forward to prove the historic constitutional supremacy of Parliament were substantially the same as Pownall's. Episodes of the early and middle seventeenth century were pointed to as showing that Parliament almost from the beginning did not "ever doubt of its right of jurisdiction over the lands and inhabitants of America."[4] Furthermore, in the fifth year of George II's reign, Parliament, in answer to the plea of certain London merchants, had changed the law of inheritance in America, so that an estate granted by the crown in absolute fee could not descend to the heir until its debts had been paid. And during Anne's reign the colonial post-office was established.[5] The colonies by

[1] *Administration of the Colonies*, pp. 121, 124.

[2] *Ibid.*, p. 125.

[3] *Ibid.*, p. 127.

[4] *The Controversy, etc.*, pp. 57, 60. Extracts are given in an appendix of the House of Commons journals of 12 May, 1614; 6 February, 1620; 17, 18, 25 April, 1621; 17 March, 23, 26 April, 24 May, 1 December, 1624; 14 February, 24 May, 1625; 17, 23 April, 16 May, 4 June, 1628.

[5] *The Controversy, etc.*, p. 68.

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acquiescing in this jurisdiction had consented to it. The views of Hooker and Filmer were quoted in the matter of consent, "This is the *British constitution;* and if the British subjects in America still continue to be part of our community, it follows that they also are represented by the British legislature, and equally bound by its laws." [1]

Dickinson set out to prove that the colonies had always exercised unlimited authority in matters of taxation, by which he meant, of course, taxation for revenue.[2] It is worth while noting that the British government, which had affected to accept the former distinction between external and internal taxation, now agreed with Dickinson in admitting that there was no difference. Both parties regarded the matter of taxation as vital. Charles Thomson, later secretary of the Continental Congress, wrote to Franklin, "It is true that the impositions are not very grievous but if the principle is established, and the authority by which they are laid admitted, there is no security for what remains." [3] Grenville said in the House, "If you have not the power to tax this people you have not power to bind them in other ways. . . . Every act you have passed is null if you have not that power." [4] North was of opinion that the distinction between taxes for revenue and for regulation of trade was "most decisive. The Americans will call all duties for the purpose of a revenue; we shall call them for the purpose of trade." [5]

The historical argument of Dickinson is very concise. "I have looked over *every statute* relating to these colonies, from their first settlement to this time; and I find every one of them founded on this principle [i. e., regulation of trade] till the

[1] *Ibid.*, pp. 28-29.

[2] An amusing exhortation to Dickinson shows the enthusiasm his Letters aroused: "Come forth dear and worthy Sir—Abide no longer with *Quakers* and *temporizers* in the *supine* and *lethargic* city of Philadelphia (the shameful seat of *insensibility* to your *stupendous* and *amazing* genius), but come and lead the Sons of Liberty of Boston."—*Boston Evening Post*, 5 September, 1768.

[3] New York Historical Society, *Collections*, vol. XI, p. 23. Letter of 22 November, 1769.

[4] Cavendish, *Debates*, p. 84, 5 December, 1768.

[5] *Ibid.*, 487, 5 March, 1769.

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Stamp Act Administration. All before are calculated to reguate trade. . . . The raising of a revenue thereby was never intended." In support of this he quotes extracts from seven acts where the intentions of Parliament were plainly stated. "Never did the *British Parliament* till the period above mentioned, think of imposing duties on *America*, FOR THE PURPOSE OF RAISING A REVENUE."[1]

William Knox, in refutation of this view, produced evidence to show that Parliament had imposed taxation for revenue on the colonies even before the Stamp Act and that this right had been recognized by the colonies. He quoted an act (25 Charles II, ch. 7) which, although the purpose was not stated in the context, showed by the very low rate which was levied and by the fact that a similar duty specifically for revenue was imposed on goods entering England, that it was actually for revenue.[2] When a refractory New York Assembly had refused to grant supplies in 1710 Parliament threatened to pass an act providing the necessary funds. A bill was actually presented but failed on a change of ministry and New York complied next year. On further representations from the home government the Assembly extended the grant for five years.[3] Again in 1755 the New York Assembly had approved a plan of Governor Shirley's whereby a general assembly of colonial committees would apply to Parliament for permission to lay a general tax.[4]

Pownall, Grenville and Knox had tried to show that Parliament's supremacy was both justified and acknowledged. Other writers besides Dickinson, without going so deeply into details, believed that usage pointed in an opposite direction. Benjamin Franklin was certain of this, at least so far as New England was concerned. The King had governed the colonies by prerogative.

The parliament of England never presumed to interfere in that pre-

[1] *Writings of Dickinson*, vol. II, pp. 312–14.

[2] *The Controversy*, p. 65.

[3] *Ibid.*, pp. 71–4.

[4] *Ibid.*, pp. 75–6.

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rogative till the time of the great rebellion, when they usurped the government of the king's other dominions, Ireland, Scotland, &c. The colonies that held for the king they conquered by force of arms, and governed afterwards as conquered countries; but New England, not having opposed the Parliament, was considered and treated as a sister-kingdom in unity with England, as appears by the Journals of March 10th, 1642.[1]

Another and bolder writer insisted that "no precedent can be produced of any attempt made by parliament, to regulate their internal policy or legislation, or impose taxes on them."[2] In Conway's opinion the right of legislation had been confirmed to the colonies by long usage. "There are laws binding Ireland, but will any gentleman say, you have a right to lay a land tax on Ireland?"[3] As for tacit acquiescence in Parliament's authority, Virginia's protest against the Navigation Act of 1676 was mentioned.[4] Regarding the Post-Office Act to which Knox had referred, it was held that this was not compulsory as were the revenue measures which dealt with necessaries of life, but simply established a convenience which the colonists could use or not as they chose.[5]

We shall conclude this survey of constitutional thought during the years 1767–1770 by reference to some of the schemes for reorganizing the empire which were proposed as a means of ending the strife between Britain and her colonies. Governor Wright of Georgia wrote to Lord Hillsborough that some alteration of the constitution with respect to the colonies was quite proper considering the unexpected prosperity and importance which America had attained.[6] One pamphleteer believed that extending the English land tax to America would provide the revenue which Parliament deemed necessary and would be unobjectionable to the colonies if the rate was always

[1] *Writings of Franklin*, vol. IV, p. 292. Letter of 29 November, 1769.

[2] *Letter to the Earl of Hillsborough*, p. 8.

[3] Cavendish, *Debates*, p. 92. 5 December, 1768.

[4] *Letter to the Earl of Hillsborough*, p. 7.

[5] *Essex Gazette*, 21 March, 1769.

[6] C. C. Jones, *The History of Georgia*, vol. II, p. 111. Letter of 15 August, 1769.

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kept equal to that fixed for England.[1] But most other writers suggested the admission of representatives to the British Parliament. Franklin, as late as 1768, favored this idea, although he believed that it would find little support among his countrymen.[2] Another suggestion was the establishment of "a representation in parliament for the purpose of commerce *only*."[3] Two proposals emanating from England went into greater detail. One of them advised the passage of an act of union in which "the precise *Mode* and *Size* of internal Taxation" should be permanently fixed. Matters of general concern such as defense and regulation of trade would be left to the imperial Parliament, which was to be increased by from one to four representatives elected from and by the assembly of each province depending on its "Size, Population, and Abilities". Six months were to elapse after the issuance of election writs to give the colonial representatives time to reach England. Internal legislation was to be left in general to the colonies.[4]

This plan closely resembles one evolved by Francis Maseres, former attorney-general of Quebec.[5] He proposed that about eighty representatives from the continental and West Indian colonies be admitted to Parliament, the number for each province to be fixed at two, four, or six, according to wealth, population, and "contribution to the public expenses of the nation." These members would be chosen yearly without writ for purposes of convenience. Parliament would then legislate in affairs of common interest such as general taxation for war purposes, trade regulation, recovery of debts owing intercolonially and between the colonies and the mother country, criminals

[1] *The True Constitutional Means for Putting an End to the Disputes between Great Britain and the American Colonies*. London, 1769.

[2] *Writings of Franklin*, vol. IV, p. 2. Letter to Lord Kames of 11 April, 1768.

[3] *Nature and Extent, etc.*, p. xiv.

[4] *Boston Weekly News-Letter*, 19 January, 1769. Letter signed "Amor Patriae". Lord Chatham is apparently the author. Cf. A. L. Burt, *Imperial Architects*, p. 28.

[5] *Considerations on the Expediency of Admitting Representatives from the American Colonies to the House of Commons*. At this time Maseres was agent for the city of Quebec. He later held the office of cursitor baron of the exchequer for fifty years (1774–1824). *Dictionary of National Biography*, vol. XXXVI, pp. 407–9.

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escaping from one province to another, levying and quartering of troops, and the coinage. It would be advisable to allow a year to elapse between the first reading and final passage of such bills except in case of renewal of an act or in emergency. The colonial legislatures would continue to regulate internal affairs. The chief objection to this plan Maseres considered to be the cost of supporting such a representation, especially in the case of the poorer colonies. He was confident, however, that enough English gentlemen could be found to fill these posts at their own expense if the colonists saw fit to elect them.

Such plans have some significance as first gropings toward a settlement of the problem of imperial relationship which was to vex Great Britain until far into the next century and whose difficulties are not even yet quite dissipated. But for America the progress of events was opening new vistas in which moderate ideas of reform were becoming conspicuous chiefly by their absence.

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THE NEW MERCANTILISM

IT is a fond Anglo-Saxon illusion that we have long since emancipated ourselves from the fallacious principles and pernicious practices of mercantilism. In Great Britain this self-deception is to be accounted for by the strength of the Manchester tradition, the powerful hold upon middle-class and working-class minds and emotions possessed by the dogma of free trade; where protection has raised its head it has been under the misleading name "preference". In the United States it doubtless is a consequence of the conviction that the American Revolution was a spontaneous uprising against a hated mercantilist system, with its despised Navigation Acts, its arbitrary restrictions upon trade, and its unpardonable belief that colonies exist for the benefit of the mother country; hence the success of the Revolution marked the final failure of the policies against which it was directed. In both Great Britain and the United States this belief that mercantilism has been discredited happens to coincide with the comfortable conviction of business men that non-interference by the government in the processes of production is the only policy consistent with the economic individualism upon which is founded British and American industrial and financial supremacy.

A critical analysis of present-day international economic policies dispels the illusion that mercantilist theories and practices were destroyed by the Declaration of Independence or the repeal of the Corn Laws and the Navigation Acts. Of great service to the student who wishes to make such an analysis are three books here under review, one frankly mercantilist in its point of view,[1] one fearful of the venomous influence of mercantilist statesmanship in international relations,[2] one an objective analysis of the new mercantilism in its many-sided aspects.[3] The authors effectively demonstrate that twentieth-century mercantilism and its eighteenth-century prototype are alike in their

[1] Pierre l'Espagnol de la Tramerye, *The World Struggle for Oil*, translated from the French by C. Leonard Leese (New York, Alfred A. Knopf, 1924, 259 pp.).

[2] E. H. Davenport and Sidney Russell Cooke, *The Oil Trusts and Anglo-American Relations* (New York, The Macmillan Company, 1924, xii, 272 pp.).

[3] William Smith Culbertson, *International Economic Policies—A Survey of the Economics of Diplomacy* (New York, D. Appleton and Company, 1925, xviii, 575 pp.).

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fundamental assumptions and in their practical applications. The new mercantilism, however, is the more dangerous in our modern, highly organized and closely integrated world, inasmuch as it is motivated by a pathological nationalism and supported by an outworn system of statecraft which, according to Mr. Culbertson, "emphasizes mercantilist rights and extreme doctrines of sovereignty in fields to which they do not legitimately apply and which consequently leave human conduct in large areas under a state of anarchy".

Mr. Culbertson is well qualified to make a survey of the economics of diplomacy. As the author of an earlier authoritative work on international economic policies [1] and as Vice-Chairman of the United States Tariff Commission, he has had unusual opportunities to see neo-mercantilism operate under the guiding hand of the governments of the United States and other industrial nations. One regrets that his new post as minister to Rumania will not permit maximum utilization of his detailed knowledge and wide perspective; his services would be of greater value at Havana, Buenos Aires, Rio de Janeiro, Santiago de Chile, Constantinople, Teheran, Mexico City, Berlin, or Tokio than at Bucharest. One cannot read Mr. Culbertson's chapters on "Commercial Treaties" (dealing particularly with "national" and "most-favored-nation" treatment), "Protection and Preference in the British Commonwealth of Nations", "The Closed Door", "The Open Door", "Raw Materials and Fuels", and "Foreign Loans and Investments"—to mention but the outstanding chapters of the volume—without quickly becoming impressed by his intimate acquaintance with the technical details of international trade relations as well as by his sound knowledge of the literature of the subject. Although he does not discuss directly the political, social and racial issues involved in the contact of industrially developed and the so-called backward peoples, Mr. Culbertson's book throws a flood-light upon the problems of modern capitalistic imperialism. As the old mercantilism was warp and woof with the old colonialism, so the new mercantilism is hand in glove with the new imperialism. This volume is so well documented, so clearly arranged, and so amply supplied with illustrative material that, although written for a larger audience, it might well be prescribed reading for every advanced student of international relations and world politics.

Mercantilism and imperialism, it is clear from these three books, are

[1] *Commercial Policy in War Time and After* (New York, D. Appleton and Company, 1919).

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as much the result of fear as of cupidity—fear on the part of a nation's business men and statesmen that they will be shut out of the markets of the world by precisely the same methods (protection, preference, discrimination, and what not) which they themselves apply with such apparent success in defense of their own markets, fear that there will be natural or artificial interferences with the free flow of raw materials, "energy resources"[1] and foodstuffs; fear that "surplus" capital and "surplus" initiative will be denied access to the economically backward areas of the world in which cheap labor, virgin natural resources, and unusual risk combine to yield unusual return. In short, national or imperial self-sufficiency is sought not for itself but as a means of assuring national security and national power. As in the days of frank, unrestrained mercantilism, so now the power of the state is allied with industrial, commercial and financial interests, fostered and defended by state action; colonies are looked upon as indispensable instruments of national policy, which exist primarily that the mother country may have markets, raw materials, and outlets for surplus population and the conservation of man-power; import and export duties are imposed in pursuit of the phantom favorable balance of trade; ship subsidies and other forms of navigation acts are enacted in the interest of superior sea-power; prestige and power are considered to go with the corraling of the world's credit if not its supply of precious metals. Perhaps never before has there been such widespread disregard of the fundamental fact that production exists for man, not man for production.

When one considers oil, one sees the new mercantilism at work in all its glory. Oil is considered indispensable to national power and national security. "Even the most solid political alliances are subordinate to the question of oil," says M. de la Tramerye. One of Clemenceau's advisers warned him in December, 1919, that no Entente Cordiale should obscure the cardinal fact that:

> He who has oil has empire: Control of the ocean by heavy oils, control of the air by highly refined oils, and of the land by petrol and illuminating oils. Empire of the world through financial power attaching to a substance more precious, more penetrating, more influential in the world than gold itself.

In discussing the importance of oil in war and peace M. de la

[1] A term which Mr. Culbertson uses to classify coal, oil and water power and which has obvious advantages over the term "fuel."

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Tramerye is at his best. He analyzes, for example, the efficiency of oil-burning as compared with coal-burning ships, indicating that sea-power ultimately must depend upon oil-power. Industrial prosperity and military strength being dependent upon adequate and uninterrupted supplies of petroleum, M. de la Tramerye reproaches the French government for failure to obtain its full share of the unappropriated oil resources of the world. As the mercantilist of old believed that the wealth of the nation was measured in terms of its gold supplies, this modern French publicist is convinced that the wealth, power, and security of a modern world power are defined by reference to its oil supplies. There is nothing constructive in M. de la Tramerye's discussion of the international problem of oil, which, as he sees it, has two fundamental aspects: first, the enormously increased importance of petroleum for industrial and military purposes; second, the exhaustibility of the world's known petroleum resources. As regards the latter, M. de la Tramerye has but one concern—namely that France shall not be dilatory or modest in asserting her claims to consideration when the spoils are divided. This, again, is the law of the jungle.

It is at this point that Messrs. Davenport and Cooke make their contribution. The depletion of petroleum resources may be due as much to prodigality as to scarcity. Scrupulous conservation at home before vigorous prospecting abroad—this simple formula may avoid much of the international controversy which has arisen as a result of the scramble for oil in Persia, Iraq, Colombia, Turkey and elsewhere during the past decade. This proposal touches a sore spot in America. It calls attention to the fact that no other nation in the world approaches ours in wastefulness in methods of production, distribution and consumption of petroleum products. A well known British oil magnate has stated that Americans have dealt with their oil resources "in the pioneer spirit of unmitigated pillage, have recklessly squandered and in sixty years run through a legacy which, properly conserved, should have lasted for at least a century and a half."[1] Unfortunately, however, the policy of conservation of our natural resources has been neglected, if not repudiated, during the past fifteen years. More or less consciously Washington has turned its back upon the domestic aspects of the petroleum problem and has encouraged and supported the ventures of American oil prospectors abroad. Mr.

[1] For a development of this point see an article "Oil and American Foreign Policy," in *The New Republic*, August 20, 1924.

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Herbert Hoover is reported to have informed a group of American oil producers in August, 1921 :[1]

> Unless our nationals reenforce and increase their holdings abroad, we shall be dependent upon other nations for the supply of this vital commodity within a measurable number of years. The truth of the matter is that other countries have conserved their oil at the expense of our own. We must go into foreign countries and in a big way.

The less said about the activities of Mr. Albert B. Fall the better.

As regards the solution of the international oil problem, Messrs. Davenport and Cooke emphatically are not mercantilists. They believe that the United States and Great Britain, in any case, should agree upon the fundamental principle of allowing their oil interests to fight their own battles, legal and financial; the British government should withdraw from the management of the Anglo-Persian Oil Company, and both countries should neither encourage nor support their oil prospectors abroad. They look askance at British covetousness of the economic resources of Persia and Iraq, as well as at American interference in Mexico and Central America. They consider "a great illusion" the idea that he who has oil has power, and assert their belief that he who has power will always be able to get oil. They agree with the late Walter Hines Page that oil, commerce, and foreign investments amount to little in comparison with the possibilities of Anglo-American cooperation on behalf of world peace and reconstruction.

Happily, since Messrs. Davenport and Cooke published their book, the five-year-old controversy between the United States and Great Britain concerning Mesopotamian oil fields has been brought to an amicable conclusion. In March, 1925, the Turkish Petroleum Company[2] was internationalized by the following definitive allocation of interests: twenty-five per cent to the Anglo-Persian Oil Company; twenty-five per cent to the Royal Dutch-Shell group; twenty-five per cent to the *Compagnie française des pétroles*, representing sixty-seven French oil companies; twenty-five per cent to a group of American

[1] See a series of articles by Isaac F. Marcosson, "The World Struggle for Oil", in *The Saturday Evening Post*, December 22, 1923, January 5, 12, and 26, 1924. Under Mr. Hoover, the Department of Commerce has busied itself "in a big way" with American production in other countries of such raw materials as nitrates and rubber.

[2] See "The Turkish Petroleum Company—A Study in Oleaginous Diplomacy", in the POLITICAL SCIENCE QUARTERLY, Volume XXXIX, 1924, pp. 265–279.

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companies, upon terms which have not yet been made public. Inasmuch as the Royal Dutch-Shell combine is forty per cent British in ownership and control, the capital of the reorganized Turkish Petroleum Company may be classified by nationality as follows: thirty-five per cent British, fifteen per cent Dutch, twenty-five per cent French, and twenty-five per cent American. It now remains to be seen whether international capitalism will prove to be a stronger force for peace than nationalistic mercantilism.

Mr. Culbertson's interest in oil is, of course, limited. It is one of the "energy resources" which, like raw materials and foodstuffs, are important desiderata in the new mercantilism. He hardly would agree with Messrs. Davenport and Cooke that a policy of governmental non-interference in international economic problems is either feasible or just. He would agree not at all with M. de la Tramerye's nationalistic solution, which, after all, is no solution at all. On this latter point Mr. Culbertson is most emphatic, asserting that "this nationalistic competitive system, if allowed to continue the course pursued by it in recent decades, will, like Samson in the temple of the Philistines, destroy itself". He elaborates upon this fundamental idea by stating his firm conviction that

> Uncontrolled economic rivalry, urged on by national governments exercising only a semblance of control, will ultimately resolve itself into a defeat of the larger aims of western civilization. An adequate system of international law and perfected machinery for its administration and interpretation are the roads not only to world peace but to national prosperity and security. Diplomacy, even with that valuable instrument the conference, has not thus far provided the world with an approximation to adequate government. Civilization has had its very existence imperilled by a misuse of its own material achievements and with this warning must turn its attention to devising methods of controlling those forces to social ends. In international affairs at least the way to *good* government is to have *more* government.

Fortunately, Mr. Culbertson does not stop with this general statement of fundamental principles; he explains at some length the methods he favors for the extension of international as opposed to national control over world-wide business enterprise. Although he is opposed to nationalism, he believes that the national state is the only possible unit of international cooperation. He is too cautious and, if one may say so, too Republican to endorse the League of Nations. He does, however, believe in intelligent cooperation with the League

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and is unreservedly in favor of "the signing and ratification by the United States of the protocol establishing the Permanent Court of International Justice, accepting as compulsory *ipso facto* and without special convention the jurisdiction of the Court". Beyond this, Mr. Culbertson favors the holding of international conferences—both in emergencies and at stated periods for the consideration of perennial problems; he wishes in particular to have an international conference on commercial policy to define unfair methods of competition in international trade. Out of such conferences as these might grow a more comprehensive and better defined body of international law for the settlement of particularly troublesome problems of imperialism and mercantilist diplomacy.

The great service of these books is that they deal with realities. They are not the work of pedants hypnotized by the economic interpretation of history. They are, nevertheless, sensible acknowledgments of the fact that to all intents and purposes, to quote Mr. Culbertson,

> in the application of practical world politics the difference between the South Manchurian Railway Company and the Japanese Government, between the Anglo-Persian Oil Company and the British Government, or, before 1914, between the German Anatolian Railway Company and the German Government, amounts to the difference between Tweedledum and Tweedledee, as would probably be conceded by even the most politically minded diplomat.

It is significant that Mr. Culbertson, in spite of his long residence at Washington, mentions no American corporation whose interests have been a special concern of American diplomacy. Perhaps there is none such, although Messrs. de la Tramerye, Davenport and Cooke think differently. Nevertheless, a list of corporations dealing in bonds, oil, copper, fruit, sugar and rubber might lead to some interesting speculation concerning American policy in Mexico, the Caribbean area, Cuba, the Philippines and elsewhere.

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RECENT BOOKS ON TAXATION AND FINANCE

IN times past books dealing with taxation have been accustomed to appear in a leisurely fashion, at dignified intervals. In recent months, however, they have abandoned the ancient manner and have precipitated themselves upon the table of the reader literally by the armload. The war, of course, is primarily responsible. As Shirras remarks: "Nothing seems so much to hinder the growth of financial theory as an excellent revenue and budgetary system, combined with general prosperity. Financial or fiscal theory, in other words, flourishes on the defects of economic life" (p. 15). The war was such a defect. It has not only stimulated a great popular interest in public finance but it has rendered obsolete much of the older literature describing fiscal practice. The seven books[1] here considered, all published within the space of a few months, offer an opportunity to appraise the character of this new flood of financial literature.

Quite aside from the war and its influence, a new general text in this field had been long overdue. Members of the American Economic Association may recall the witty address of Mr. J. Bonar a dozen years ago, in which, as an exasperated reader of many rehashed volumes, he pleaded with the young economists to confine their publications strictly to their individual contributions to the subject, avoiding ponderous treatises which were almost entirely mere rearrangements of the accepted body of fact and doctrine. Such advice appears to have been offered with even too much effect to financial writers on both sides of the water, for the war found England with Bastable (1892) as

[1] *Public Finance.* By Harley Leist Lutz. New York, D. Appleton and Company, 1924.—xvi, 681 pp.

Problems of Public Finance. By Jens P. Jensen. New York, Thomas Y. Crowell Company, 1924.—xviii, 606 pp.

Principles of Public Finance. By Hugh Dalton. New York, Alfred A. Knopf, 1923.—xii, 208 pp.

The Science of Public Finance. By G. Findlay Shirras. London, Macmillan and Company, Limited, 1924.—xxii, 677 pp.

Selected Readings in Public Finance. By Charles J. Bullock. Boston, Ginn and Company, 1924.—x, 982 pp.

Studies in Current Problems in Finance and Government. By Sir Josiah Stamp. London, P. S. King and Son, Limited, 1924.—vii, 342 pp.

Taxation and Welfare. By Harvey Whitefield Peck. New York, The Macmillan Company, 1925.—vii, 269 pp.

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the only systematic treatise on public finance published in modern times and America with Plehn in practically complete possession of the field. A fresh treatment, suitable for textbook use, was badly needed.

Recent months have witnessed the publication of no less than four books which attempt a systematic treatment of the entire field of taxation and finance, two of them American, by Lutz and by Jensen, and two of them British, by Dalton and by Shirras.[1] Let it be said at the very beginning that, despite the merits of these four volumes, the opportunity is still open for a really distinguished and masterly treatise in this field. Valuable as these books are, the fact remains that they are all from the pens of young men, some of them, unfortunately, scarcely graduated from the scientific "awkward squad". It is to be hoped that at least one of the veteran field-marshals like Higgs and Stamp in England and Bullock, Adams and Seligman in this country will appreciate the importance of supplying a new treatise of classic character.

The two new American texts are so similar in their scope, their purpose and their method of treatment as to invite and, indeed, to demand detailed and specific comparison. Each author has tried, in a single volume of about seven hundred pages, to give a comprehensive survey of principles and practice in the field of public finance. Both books are designed primarily as college texts and emphasize American practice and problems. The tables of contents, so far as main headings, order of topics and general apportionment of space are concerned, are substantially identical.

Of the two, Jensen is decidedly the easier reading. Things are stated simply. The paragraph headings are excellent. The style is free-flowing and natural. The author displays a rather remarkable capacity to select intelligently and to summarize gracefully the conclusions of the authorities whom he has read. But this is not to infer that Lutz is unreadable; he is merely less easy to read. Yet if a teacher is dealing with a very elementary class where the style of the textbook writer is extremely important, Jensen may be preferred. Jensen's literary habits, however, will not be entirely approved by those fastidious persons who resent an excessive use of personal pronouns.

But this point of style brings immediately to the front the most

[1] Mention should also be made of Robinson's little book, *Public Finance*, in Keynes's series of Cambridge Economic Handbooks, published in 1922.

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striking and fundamental difference between the two books. Jensen in a number of instances achieves his readability by ignoring or glossing over difficulties which Lutz lustily attacks. Somewhere, probably from his intimate contact with the work of the National Tax Association and with various state commissions, Lutz has acquired a more accurate sense of orientation and a truer set of values than Jensen displays. What Jensen knows, he has learned from books, from, moreover, books which are often secondary or tertiary sources. Lutz's material bears more evidence of original investigation and independent thought. It is more fully seasoned and digested.

Strangely enough, however, Lutz's book impresses one as less dogmatic than Jensen's. In a field so full of doubt and dissension, it is not easy for the writer of a text to be brief without riding rough-shod over the opinions of others. But, in the case of many disputed topics Jensen gives no indication that any position exists other than the one he assumes, whereas Lutz has used the greatest care to give full and fair treatment to dissenters. Lutz does not hesitate to announce his own position in a dispute and that position often differs from that which the reviewer considers sound. But his assertions are always temperate and good-humored and his book gives constant evidence that the writer is both intelligent and open-minded.

With respect to accuracy of statement, internal consistency and scholarship in general, Lutz is also clearly superior. Indeed in a careful reading of the book, the reviewer noted nothing that could be fairly termed a positive error or misstatement of fact. In contrast, Jensen upon several occasions does not keep his left hand fully informed as to what his right hand is doing and all too frequently is guilty of inaccuracy and carelessness. The character of these lapses may be judged from the following specific instances. On page 362 Jensen refers to the federal income tax as "the one tax giving elasticity to the system" but on page 419 proceeds to describe the estate tax also as "elastic". He remarks (p. 300) that: "In the United States a general sales tax has never been in operation", and a little later (p. 338) discusses the West Virginia sales tax which certainly deserves classification as a "general" tax, applying as it does not only to retailers and wholesalers but also to manufacturers and miners. He condemns "license taxes imposed in fixed amounts" upon corporations on the ground that they are "unjustifiably regressive" (p. 391) although on the next page he demonstrates the error of inferring that, because a tax on corporations is progressive in form, it is progressive in its effect upon the shareholders. Equally confused is his treatment of income as the sole

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source of taxation. First he says (p. 217), "net income is the sole final and the principal immediate source of tax revenue". Later he refers to income as "usually the only source from which taxes can be paid" (p. 344). But in discussing the argument against the inheritance tax which holds that it is a tax "on capital in that the property transferred represents not the current earnings but the results of past accumulations", he remarks that "it is doubtful if there is any tax but is not in some degree payable out of capital in this sense" (p. 412).

Turning from the question of consistency to that of accuracy, it was noted that on page 364 Jensen refers to Schedule B of the British income-tax law when it is obvious that he means to refer to Schedule D. On pages 388 and 406, the year 1914 should read 1913. The rate of the New York franchise tax on corporations is given as 4 per cent on page 390, instead of 4½ per cent and he erroneously states that this law "took the place of a system of gross earnings taxes to which between 1880 and 1917 most New York State Corporations were subject". As a matter of fact the only taxes replaced were the tax on personal property, the tax on capital stock, and the franchise tax measured by capital stock employed in the state. Typographical errors are also frequent (*e. g.* pp. 133, 169, 170, 385 and 570).

Finally, whereas Lutz is fair to the point of generosity in his footnote policy, Jensen saves his reader some distraction and himself considerable trouble by dispensing almost entirely with specific references to his authorities. He contents himself with statements in his preface that his sources are "numerous" and that "for the greater part special acknowledgments cannot be made". He does give a brief bibliography at the close of each chapter but it is doubtful whether the authors thus cited will feel that adequate acknowledgment of indebtedness has always been made.

In Lutz, American readers will find a fresh, well-balanced and accurate book which, in the absence of a *magnum opus* from the pen of one of the older scholars, should occupy for several years at least its position as the best available introduction to the study of the subject. On almost every count his book outranks his rival's.

The two English treatises under review, Dalton's *Principles of Public Finance* and Shirras's *Science of Public Finance*, have little in common except the similarity of their titles. Dalton has written a spritely two-hundred pages designed "to excite the judgment, rather than to inform it tediously" while Shirras has compiled a large and informing volume of seven hundred pages which, while certainly not exciting, is only occasionally tedious—a considerable achievement.

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To read Dalton's book is a refreshing and amusing experience. Clever and level-headed, irreverent and irrepressible, the Cassel Reader in Commerce in the University of London has read fairly widely, and finding little to admire, has taken a clean sheet and proceeded to relieve his mind. The "authorities" do not merely fail to impress him; they bore him beyond endurance. "We are still greatly beset by the superficial views and shallow precepts of an earlier age" (p. 7). "'Taxation for revenue only' is a shallow and mistaken precept" (p. 14). "The search for a classification [of public income] is more instructive than the classification when found" (p. 31). "The classification of taxes in many textbook discussions is even more arid ground than the classification of public income in general" (p. 33). "The whole idea [of a distinction between personal and specific taxes and between subjective and objective taxes] is wooly and . . . unprofitable" (p. 40). "Again, it is sometimes said that 'an old tax is no tax' . . . But this is quite fallacious". Another form of the same fallacy is the so-called "'doctrine of capitalization' of taxes" (p. 68). "Some high authorities still cling with a curious fondness to the idea of proportional taxation" (p. 79). "All principles of equity in taxation . . . are only matters of opinion . . . Current ideas of equity generally amount to little more than 'economy tempered by conservatism'" (p. 80). "The much too absolute doctrine of the inviolability of 'natural channels' as preached by the ancients and still echoed by some sections of uninstructed modern opinion, expresses a plausible half-truth, which is often an obstacle both to clear thinking and to wise policy" (p. 94). "One fortunate result of this lack of theoretical discussion is that the path of economic wisdom in public expenditures is practically unencumbered by doctrines of equity" (p. 144). These are samples of the Daltonian iconoclasms. Everyone familiar with literature of finance will yield an appreciative chuckle to most of the author's sallies, even when directed toward the particular "catchpenny maxims" which he has been accustomed to hold precious.

In its positive aspects the book is devoted to the exposition of what the author calls the "Principle of Maximum Social Advantage". "The best system of public finance is that which secures the maximum social advantage from the operations which it conducts" (p. 10). "Take account of all the probable effects which can reasonably be foreseen, of any financial proposal which is under discussion; strike a balance of probable gain and loss to the community; compare this balance with that of alternative proposals and act upon the results of this comparison" (p. 15). With respect to expenditures he recognizes that:

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A public authority, not being a person except in a legal sense, cannot estimate the marginal utilities of its various expenditures as an individual can. But the general principle, on which statesmen should attempt to act, is the same. The marginal utility *to the community* of all forms of public expenditure should be equal. . . . Public expenditure in every direction should be carried just so far, that the advantage to the community of a further small increase in any direction is just counterbalanced by the disadvantage of a corresponding small increase in taxation or in receipts from any other source of public income (p. 18).

In the formulation of a tax system, the same principle applies.

We are rather drawn toward the doctrine of minimum sacrifice, with its widespread exemptions for the poorer sections of the community and steep progression for the richer, but this doctrine, as we have seen, must be interpreted more broadly by economy than by equity, so as to mean minimum sacrifice in the long run, when all economic effects, including effects on production, are taken into account. And this is much the same thing as maximum social advantage on a long view. . . . (p. 127).

Perhaps the most useful service which Dalton performs is to emphasize the importance of viewing revenues and expenditures together. Much of the current discussion of tax reform proceeds as though the disposition of the yield of the tax under discussion were a matter of no pertinence. Dalton quite correctly points out that, while the form and amount of the tax have their economic effects, the expenditure of the revenue also has its effects on production and distribution and that it is only by placing all effects upon the scales that intelligent decisions can be reached.

The difficulties in the way of applying the principle of maximum social advantage are admitted in general terms by Dalton. They are very substantial indeed. To the reviewer, progress in its application seems to be limited fairly strictly by the progress which can be made in tax administration and technique and in political organization. Under a democratic form of government, with the "poorer sections of the community" in control of the votes, can a trustworthy political decision be reached in questions of "minimum sacrifice" and "marginal utility to the community"? May not the solution of the problem of correct political decisions regarding the scope and apportionment of public expenditure itself presuppose a readjustment of incomes in order that the decisions may be made with respect to the voter's own income rather than with respect to the incomes of "the richer"? May not the technique of tracing special benefit and of segregating the

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specially benefited be developed so as to transfer many functions, now financed by taxes in the narrow sense, into the field of prices? In other words, instead of using the tax system to remedy inequalities in the distribution of wealth, may it not be necessary to remedy these inequalities in order to put the tax system on a sound basis? Has the time come to study the probable economic effects of "pricing" on a comprehensive scale the services of government? Clearly the character of the program best calculated to bring about conformity to the principle may bear little resemblance to that proposed by Dalton.

Thus it is quite possible to agree with Dalton's general principle and yet differ radically with his conclusions regarding the effects of certain forms of taxation and of certain types of expenditures. His program rests, of course, upon his particular guesses as to what the effects are and his particular preferences as among those effects. His guesses as to effects are, in the main, orthodox; his preferences among the effects are decidedly radical. Unfortunately his discussion of the various forms of taxation is rendered unimpressive by the obvious limitations of his knowledge of the history and technique of taxation (*e. g.* pp. 44 and 121). Would that Dalton could be persuaded for a time at least to become a "Somerset House young man"! Would that to his present brilliant equipment could be added in some manner the knowledge of technique and the grasp of facts possessed to so remarkable a degree by such products of the civil service as Stamp and Shirras!

As has already been pointed out, the aim of Shirras's volume is not to blast away old foundations and reconstruct the science on a new principle. This Indian civil servant is no iconoclast. He has written "an up-to-date textbook . . . for the use of colleges and universities". He attempts to set out and illustrate "in the light of . . . recent changes, the principles of public finance". He hopes also "to contribute something to the development of post-war financial rectitude". The book proceeds along traditional lines and is a sound and sober piece of workmanship. The writer's intimate contact with conditions in India and the apparent paucity of his library resources, combined with an eagerness to contribute toward the solution of his local problem, have resulted in a book of rather restricted appeal. It is perhaps not unfair to characterize it as Bastable served with curry. While this is a dish which will probably not find a regular place in the American menu, it may be occasionally indulged in with pleasure and advantage.

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In addition to the four systematic treatises discussed above, further aid to the teacher became available in 1924 in the form of a new edition of Professor Bullock's useful volume of *Selected Readings*. This book was fairly thoroughly revised after the war, in 1920, and the present edition differs from that of five years ago only by the insertion of a supplementary chapter on "Federal Taxation", made up of three articles by T. S. Adams. These articles outline briefly the conclusions of the scholar who by training and experience is the best qualified to appraise the merits and faults of the federal revenue system. Written in a manner so vivid so pithy and so staccato that the casual reader is likely to mistake the firing of a very excellent motor for the explosions of a packet of firecrackers, most of Dr. Adams's contentions are such as to find ready acceptance among students of the problem, whatever their degree of conservatism. Thus his indictments of the excess profits tax, of inordinately high surtaxes, of tax-exempt securities and of inadequate administration are devastatingly effective. But he is almost unbelievably pessimistic regarding the possibility of achieving a high standard of tax administration in this country. The pessimism is most depressing and alarming, as doubtless Professor Adams hoped and intended it to be. It leads him to the belief that changes in the direction of simplicity, even at the cost of great sacrifice in equity, constitute the only practicable solution of the problem. A tax on expenditures, or some discrimination at least in favor of saved income, is the most startling of his recommendations and one in which it is difficult for his admirers to concur. So far as his argument in favor of this measure rests on the concept of income sponsored by Irving Fisher, the writer for one sees in it little validity, for, however useful as a theoretical tool that concept may be to some, it seems to assume a crude and antiquated accounting and to lead to ridiculous anomalies when applied to practical situations. So far as his argument is a counsel of despair, based upon pessimism regarding the future of the federal civil service, the reviewer confesses that he clings hopefully to the theory that Dr. Adams's vision has been temporarily distorted by the horrors of his recent experiences. For years Dr. Adams has struggled against overwhelming odds to save the administration of the income and excess profits taxes from a disastrous wreck. The voyage has been rough and, as is well known, even a touch of seasickness often generates not merely dizziness but even a sincere desire to die! In any case, the service he has performed in these articles in arousing an interest in federal tax administration should go far toward removing the cause of his forebodings.

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It is perhaps ungrateful to voice the hope, as was done earlier in this review, that Sir Josiah Stamp may essay the task of writing a treatise of classic proportions, when it is so apparent from his new volume of *Studies in Current Problems in Finance and Government* that his leisure is being already fully and profitably occupied. The book is a collection of eleven brief articles or addresses, dating between 1921 and 1923, together with the elaborate article on "The Wealth and Income of the Chief Powers" which appeared in the *Journal of the Royal Statistical Society* of July, 1919. This last article, long readily accessible, has been so widely read and reviewed as to call for no comment here, except an expression of gratification that it has been placed in this more permanent form. Among the other papers perhaps the most important is that which treats of the capital levy, explaining the reasons why at one time Sir Josiah was willing to support the proposal and why at present he is not. In "Double Taxation and the Freedom of International Investment" will be found an admirable short summary of recent developments, in which the author himself has played so prominent a part. Except for a brief sketch devoted to the growth of direct as compared with indirect taxation, the remaining papers included within the volume would appear from their titles to deal primarily with other than strictly financial topics. But Sir Josiah is after all so fundamentally a tax man, that, whatever the titles of his papers, the student of taxation will find them full of interest. For example, the address headed "The Contrast between the Administration of Business and Public Affairs" might, except for the author's modesty, as well be headed "Reflections on Tax Administration by One whom his King has Knighted for Efficiency in the Same". Again, "A Shifting Money Standard" turns out to be very largely a discussion of the income-tax problems arising from general variations in property valuations. Even "The Economic Effects of Disarmament", a note prepared for the British Prime Minister on the occasion of the Washington Disarmament Conference and now apparently published for the first time, is largely a tax document. Finally every one interested in income tax administration will enjoy the scolding given the accountants and particularly the blasting criticism of the "safe" and "sound" balance sheet, contained in an address innocently entitled "Economics as an Exact Science".

The controversy at present raging in this country regarding the desirability of reducing the rates of the income tax has stimulated one of Professor Seligman's pupils to write a book on the subject which at-

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tempts to substitute "impartial scientific analysis" for "the weapons of political propaganda". In this book, which he calls *Taxation and Welfare*, Peck gives an interesting and able exposition of the grounds for the faith in high surtaxes that is in him and shows clearly the clash between the conclusions flowing from the generally accepted economic analysis and the assertions of such leaders as President Coolidge and Secretary Mellon. But he also unwittingly exposes the futility of attempting a truly "scientific" solution of a problem of this sort, without a much fuller knowledge of the effects of taxation than is at present available. He is able to reach his conclusions only by building a flimsy scaffold of dubious assumptions and until this scaffold can be replaced by the firm concrete of tested data, the conclusions, which are probably correct, will be unconvincing.

In the first part of the book, devoted to the scope of public expenditures, the author leans heavily upon the principle of maximum social advantage. After showing that the principles of liberty and democracy are not hostile to an extension of state activities he examines Lindahl's conclusions regarding the scope of public expenditures and finds them "valid only to the end of group benefit". In chapters devoted to "The Agricultural State" and to "The Industrial State" he shows that taxation and public expenditures tend to increase with the growth of population, wealth and civilization. In conformity with Dalton's injunction, he next considers the effect of both taxes and public expenditure on production, on distribution and on consumption. He concludes that "the stimulus to production afforded by a wise system of public expenditure may far outweight the check resulting from taxation and other devices required to finance it" (p. 85); that "the loss due to the restriction of luxurious consumption on the part of the rich due to the redistribution of wealth is probably more than offset by the increased utility on the part of the poor, and a great social profit will probably remain" (p. 118); and that, since "only by socializing luxurious expenditures can the evil element of adventitious utility be eliminated" such expenditures "should belong to the state or the community" (p. 152) and "should increase at a faster rate than the national income" (p. 153). He is pessimistic regarding the possibility of securing in a democracy sound decisions regarding fiscal questions (p. 160) but dismisses the problem hastily as belonging "to the special sphere of political science" (p. 172).

In Part II, Peck deals with the distribution of the tax burden. After a brief chapter elucidating Hobhouse's conception of justice and equality, which in taxation implies the use of progressive rates, he

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considers the two chief objections to progressive rates, viz., that they check business enterprise and initiative and that they retard the accumulation of capital. In the absence of any facts regarding the actual effects of taxation upon enterprise, the author indulges in a contemptuous sniff at the contribution of the entrepreneur. "Knowledge of the best ways of doing business has become widespread, and is becoming standardized in books dealing with business administration" (p. 187). "The contribution of any one individual, at the best, would seem to be relatively small in comparison to that of society and the natural environment" (p. 190). The entrepreneur's large income is to be explained not by any virtue of his own but by the fact that "his peculiar function puts him in a position of exceptional pecuniary advantage" (p. 190). He "may eliminate his risks by insurance or by huge corporate surpluses accumulated during years of unusual business activity. Bureaus of experts enable him to anticipate business cycles" (p. 191). There are, in addition, indistinguishably mixed up with the remuneration of the enterpriser various forms of wealth acquired "without the performance of any useful social function whatever. Increments in land values and all other forms of unearned increment account for an immense amount of individual wealth". Failing to find language of his own adequate to express his contempt for the incommensurate service of the enterpriser, the author quotes two pages from Woodward's *Bunk!* Since these entrepreneurs probably do not really earn more than a small fraction of what they receive and since it is not administratively feasible to distinguish between what is earned and what is unearned (p. 199), the answer is plain. To allow them to regain "a greater surplus over functional costs than is paid to artists, scientists and scholars amounts practically to the payment of large bonuses to the possessors of certain unamiable and non-socially desirable traits of character, such as acquisitiveness, narrowness of intellectual and social outlook and dominant self-assertion" (p. 200). This may be eloquence but will it impress a hostile reader as "impartial scientific analysis"?

With respect to the effect of taxation upon saving, the author is again destitute of data, except for a few scanty estimates published by Friday in *The New Republic*. The chapter is devoted largely to an attempt to demonstrate that the whole present process of saving is wasteful and that perhaps we save too much anyway. "The virtue of thrift has been greatly overestimated" (p. 218). These propositions may be true but, after all, they are concerned with an individual's judgment of the value of certain effects which are themselves undetermined.

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In a final chapter he discusses the various measures of ability to pay, reaching a conclusion in favor of Seligman's faculty theory, which is determined by two factors, the utility of income and the cost of income. The utility of income he grants is "a rather indefinite factor" but he believes that it is "feasible to consider all incomes of equal cost without regard to the size of the income". On this very questionable assumption, he formulates the law of diminishing cost with "mathematical exactitude. The cost of the last $1000 of a $10,000 income is 10 per cent of the cost of a $1000 income", etc. (p. 254). He concludes that the Mellon proposal to reduce surtaxes to a maximum of twenty-five per cent "is a movement away from the theory of justice in the distribution of tax burden to which our analysis has led".

Peck, then, says that fifty per cent is not high enough. Adams thinks that fifty per cent is several times too high. The difference between the two is much greater than can be explained by differences in the choices of the two men as to what effects it is desirable to obtain and what to avoid through the use of taxation. There must be also a wide difference of opinion as to what the *effects really are*. This is but one illustration of the great need for knowledge regarding the actual effects of taxation. To the writer the time seems to be ripe for the initiation of a series of realistic, inductive studies of the effects of taxation. Until scientists can be brought into agreement with each other as to effects, it is futile to use the word science in attempting to influence politicians as to policy.

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REVIEWS

La Cour Permanente de Justice Internationale. Par ANTONIO SANCHEZ DE BUSTAMANTE Y SIRVÈN. Paris, Librairie de la Société Ame. du Recueil Sirey, 1925.—367 pp.

The Permanent Court of International Justice. By MANLEY O. HUDSON. Cambridge, Harvard University Press, 1925.—ix, 389 pp.

These two volumes, one by a judge of the Permanent Court and the other by the Professor of International Law at Harvard, who has been a legal adviser of the Secretariat of the League since its formation, have the great advantage that they are not theoretical but practical studies of the Court. Both writers devote much space to the actual procedure and practice of the Court and their valuation of its work is based on its results in operation.

Professor Hudson's book is a collection of speeches and articles which have appeared at various times. They were composed with the campaign for the Court in the United States in view and embody reasons for the entrance of the United States into the Court, together with replies to the arguments advanced from time to time on the other side.

Judge Bustamante's book is of a different type. He precedes his study of the Court with a very brief analytical study of its forerunners, not only the voices of those crying in the wilderness but the organs set up to carry through international justice. Chapters ii and iii contain sketches of the principal plans of publicists and statesmen, for world organization to secure peace, with special attention to the form of the judicial function in each. It is interesting to note the increasing importance of this function in the later plans. One chapter is devoted to the Peace Conference at The Hague, the creation of the Permanent Court of Arbitration and the proposal of 1907 for a court of arbitral justice, which split on the rock of the election of judges; another describes the ill-fated Central American Court of Justice which, with its jurisdiction of cases between individuals and governments as well as between governments, marks a novel theory in the international judicial procedure.

After a chapter on the discussions of the international judicial

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organ at the Conference of Paris and the Treaty of Versailles, he devotes the rest of his book to the origin, organization and life of the Court. His personal knowledge lends peculiar value to his description of the elections, duties, and rights of judges (chapter viii) and of the organization and function of the Court and its procedure. He makes the interesting point that the Court should not be dependent on the annual assessments of the members of the League, but that a fund should be constituted from the interest of which the expenses of the Court should be met (p. 174). The reviewer is inclined to doubt this suggestion. Every national court depends on its constituency for its expenses and finds therein no source of weakness. The Postal Union has existed for long years on the same basis.

In a chapter on competence and jurisdiction of the Court (chapter xi) the author points out the limitations of an international court in respect to jurisdiction over individuals or suits brought by individuals. He disapproves of the suggestion that there be an international criminal court (p. 182 *et seq.*), and argues that such jurisdiction would be difficult to carry out because of the lack of international prisons to hold criminals and of an international sheriff to enforce fines. He might have added the difficulties of an international police force to apprehend and an international district attorney to indict, the criminal. A practical point, however, is the question of whether international organizations such as the Postal Union should have access to the Court (p. 191). The author calls attention to the request of the International Labor Organization in this sense and expresses the idea that it would be desirable to allow these bureaus to be parties to actions in order to determine their relative rights and duties. In other words, the court should be called upon to settle problems of international administrative law. In describing the device of advisory opinions the author fails to note that the advisory opinion may make direct access to the Court by these organizations unnecessary. A question of the relative powers of the International Agricultural Institution at Rome and the International Labor Office was settled by an advisory opinion (see p. 263).

The development of international regulations through multipartite treaties involving economic and philanthropic questions, like the Barcelona Convention on international freedom of communication, indicates another function of the Court and both Judge Bustamante and Professor Hudson show the great number of treaties of this type under which the contracting powers agree to the compulsory

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jurisdiction of the Court. In many agreements of a political nature, the minorities treaties for example, the right of appeal to the Court is an essential feature (Hudson, p. 119; Bustamante, p. 204 *et seq.*). The list of cases of compulsory jurisdiction is a striking evidence of the willingness of nations to agree in advance to submit cases to the Court where they consider the subject properly justiciable, and conversely, the existence of the Court constitutes a distinct encouragement to the development of international cooperation in these fields. The list extends to treaties between two states as well as multipartite conventions. Professor Hudson calls attention to the recent agreement between Italy and Switzerland, giving jurisdiction to the Court in all disputes which are not settled by conciliation.

The study of sanctions (ch. xiii) is timely. The real sanction and one which has in the past secured the enforcement of arbitral judgments, has been the force of public opinion and reason. This remains the substantial security for the enforcement of the judgments of the Court and the American experience that no other sanction has been necessary for a period of nearly a century and a half, to secure obedience to the decisions of the Supreme Court in litigation between the states, is evidence of its effectiveness.

Bustamente's discussion (ch. xiv) of advisory opinions (he was one of the dissenting minority in the Eastern Carelia Case) shows that the author has not changed his opinion that the Court, in giving these opinions, acts as an advisor of the League. He notes the variation between the French and the English text of Article 14 of the Treaty of Versailles, the French text being that the Court "*donnera des avis consultatifs*", the English text being "may give". He adopts the French text and thinks that the word in English "may", should be interpreted "shall". He shows the differences of opinion on this point, turning on whether the Court is required to answer questions as counsel or whether it may determine the character of the question it will answer and must act in this branch of its jurisdiction as a court. The majority of the Court adopted the second view. The author comments on the decision of the judges that advisory opinions should be read in public, that the proceedings should be public, that no opinion be rendered unless the states interested appear, as contrary to the view that the Court acts as counsel to the League. Judge Moore explains his opinion, which was that of the majority of the Court, in a recent book.[1] He adds

[1] *International Law and Some Current Illusions* (New York, The Macmillan Company, 1924), p. 131.

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that the Court may determine whether it will "in a particular case, considering the nature of the question submitted, give such an opinion". Judge Moore's solution would certainly seem to be the better. If there be a conflict between the French and English texts of Article 14 of the Covenant, is it not better interpretation to adopt the text which corresponds best to the nature of the Court as a judicial body? The League has its own legal section upon which it may depend for legal opinions and the vital need of the world society for a court of justice is far better met by Judge Moore's interpretation of the Covenant than by Judge Bustamante's.

The reviewer is inclined to think that the fact that Judge Moore's opinion carried the day in deciding the position of the Court towards this vexed question of advisory opinions is one reason why the advisory opinions so far given deserve the commendation bestowed upon them by Professor Hudson (pp. 156-9). It would be profitable to any student of this subject to read Professor Hudson's description of the opinions so far given with his favorable comment (pp. 160-9), his comparison of the advisory opinions of our state courts with those of the International Court (p. 136 *et seq.*) and the reports of the decisions of the Court by Judge Bustamante (ch. xxv). Professor Hudson strikes a true note when he calls attention to the great importance that advisory opinions be given "after full opportunity for counsel to be heard and for all questions to be fully argued" (p. 150).

Judge Bustamante discusses the Costa-Rican proposals for an international court for all the American States and deprecates it as unnecessary, at least until the docket of the International Court becomes too crowded to allow prompt disposition of cases. He points out that the Court of Arbitration at The Hague dealt with cases from America. He makes the suggestion, however, that certain questions of the New World might better be discussed and decided in an American atmosphere. To secure this and preserve at the same time the single high court of the world he proposes that the International Court of Justice sit periodically at Havana for American questions.

Any student of the question should read, in addition to these two books, Judge Moore's essay to which reference has already been made. It is impossible after an examination of these accounts of the work of the Court to fail to recognize the protection which its present statute and regulations give to its judicial and impartial character.

JOSEPH P. CHAMBERLAIN

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Conflict of Policies in Asia. By THOMAS F. MILLARD. New York, The Century Company, 1924.—507 pp.

This treatise, which is a continuation of numerous works by the same author, centers attention geographically upon China, not as a land and people undergoing internal transformation, but as an object provocative of clash among international ambitions. In general tenor it constitutes a survey of the processes of politico-economic imperialism visible during the period since the conclusion of the war. Its purpose, according to the foreword, is to present the writer's "conception of the policy and interest of the United States" in the region of the Far East, along with an indication of the "attitudes and policies of other nations principally concerned . . . and the relation of Europe to the question". Appended is a series of documents illustrative of the more important of the subjects examined.

Except for the first and last chapters, the book discusses and describes international viewpoints and occurrences in their bearing primarily upon China. It provides subsidiary references also to Siberia and other Asiatic areas, and incidental explanations of American institutions in their foreign aspects. The drama unfolds with three chief actors playing their parts: Great Britain, the United States and Japan. Of British policy Mr. Millard is distrustful; of American, critical, mainly on the score of shortsightedness; and toward Japanese, altogether suspicious, if not antipathetic. Were Great Britain to put its professed concepts of benevolence regarding its rôle as a fellow-keeper of the "Open Door" and as a governess fitting her non-European wards to take care of themselves into effect, after the manner of the United States in the case of the Filipinos, for example; and were Great Britain in actual practice not so much of an exponent of the idea of spheres of influence in China and elsewhere, whatever its protestations of innocence or lack of deliberate intention in the matter, his mental reservations might be less pronounced. That Japan may be dissimulating, even while it pretends to reform in outward accord with the best of European ethics, is something that no American statesman can afford to ignore. The British know well enough what the Japanese are doing; the Americans are unconsciously or wilfully oblivious of it.

In the opening and concluding chapters the author expounds certain of his opinions on the general subject of the contact along political lines of European and non-European in the Orient, and its

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probably sinister consequences. Not a "rising tide of color", so much as a rising tide of intelligent knowledge and utilization of agencies of action transplanted by the European to Asia, may sweep away, he is disposed to think, the vaunted supremacy of the Occidental there, and even overflow the latter's own domain as well, unless the predatory instinct be replaced by a spirit of tolerance and cooperation. Mr. Millard, however, has the conviction that, come what may, the American policy of equality of opportunity, set forth by the Hay Doctrine, numerous as the deviations from it have been, and of moral duty, represented by the education of non-Europeans in the art and science of self-government, ought to persist, yielding none of its "major premises in favor of the British or any other prevailing hypotheses" (p. 386).

Politically and economically familiar as the author is with the Far East, there are times when his acquaintance with history nods and his interpretation thereof goes wide of the mark. For instance, the Monroe Doctrine is not, even by implication, to be numbered among "statutes" or subject to "repeal" (p. 5); nor have there been "very practical applications" of it (p. 14), but of something quite different which masquerades under its name. By no reasonable inference, moreover, could the methods of the East India Company up to 1750 be compared with those of the Spanish *conquistadores* (p. 26); and by 1820 it had not "exercised administrative supervision for about a century" (p. 27).

WILLIAM R. SHEPHERD

The Fundamental Concepts of Public Law. By WESTEL W. WILLOUGHBY. New York, The Macmillan Company, 1924.—xvii, 499 pp.

This is the first of two volumes in which Professor Willoughby seeks to restate the general assumptions of that school of political philosophy with which his name has long and honorably been connected. No reader of his previous work will need to be told that his views are vigorously held and supported by an ample panoply of learning. In the present work he is concerned only with the juristic theory of the State. He is writing only as a lawyer, seeking from precise definitions to deduce a system of rigorous inferences. A later volume will deal with the ethical problems raised by the nature of the modern State.

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Professor Willoughby, therefore, has here devoted himself to a restatement of the Austinian position. Broadly, that is, the basis of jurisprudence consists for him in two hypotheses. (i) In every independent political community there exists an authority, called the sovereign, which is itself supreme, being unlimited by any positive law, and making, whether directly or by inference, all positive law. (ii) Positive law is a command issued by the sovereign authority, neglect or infringement of which is visited by a penalty. What Professor Willoughby does is to discuss in the general field of jurisprudence the meaning and consequence of these concepts and to apply them in particular to the field of international law. The work throughout is interesting, and I do not know in English any better statement of the views it represents.

I write as one of those unregenerate persons who are frankly not impressed by the line of argument which, to Professor Willoughby, is fundamental. I recognize, of course, that he is entitled to his definitions, and I recognize that the consequences he deduces from them do in fact so follow. They are, in truth, granted the terms of the definitions, truisms; and I can well understand that, to a thinker of Professor Willoughby's precise turn of mind, the difficulties to which they give rise are not easily intelligible. I cannot, of course, attempt here to outline in any detail the grounds upon which the theory of jurisprudence they involve seems to me quite unacceptable. But I may perhaps indicate some of the difficulties I feel that Professor Willoughby hardly seeks to meet, less as an attack upon his view than in the hope of persuading him to explain the way in which he would meet them.

My first difficulty is historical. Professor Willoughby does not seem to me sufficiently to recognize that the view he expounds took its rise in a special set of historical circumstances and has neither application nor meaning outside them. It has no validity (to take an obvious example) in the whole of the middle ages; it would, in fact, have been repudiated with horror by every respectable mediæval publicist. It is also probable that as the nation-State ceases to be the ultimate unit of social organization it will cease to have contemporary applicability. Is it worth while to make a passing set of conditions the basis of a timeless and universal system of jurisprudence?

My second difficulty is that if it is alone to be accepted as scientific there are many social units today acting as States in every practical sense of the word which, because they cannot be confined within

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the four corners of Professor Willoughby's definitions, cease to be States. That is, I submit, (despite the remarks of Professor Willoughby at p. 249 *et seq.*) true of the United States; it is true of Belgium; it is true, also, of the new Germany.

My third difficulty is that it is not realistic. Practically, as Professor Willoughby himself emphasizes, on grounds of one sort or another, sovereign authorities are not free to make law as they please; and some admit that they are the creatures either of convention or custom which they dare not violate. Is a jurisprudence the concepts of which are so remote from practical life likely to do us real service? Is it not better frankly to admit that, on the contrary, a scientific jurisprudence must, if it is to be truly scientific, be written in terms of the total social environment it will encounter?

My fourth difficulty is, so to say, that Professor Willoughby's view would reduce jurisprudence to a mere anatomy where, to be creative, it ought to be a physiology. In practically every case where we deal with law, we are watching a governmental process. The thing of importance in that process is the system of purposes and consequences by which it is informed. The view maintained by Professor Willoughby abstracts altogether this system from law, and argues that the only thing the lawyer has to consider is the question of whether it has in fact originated from the properly competent source. This seems to me to deprive jurisprudence of any contact whatever with life; and I do not believe that it can live without that contact.

I may, perhaps, venture to advert to one further difficulty since Professor Willoughby explicitly connects my name with its heresies. He is concerned to point out that the legal theory of sovereignty does not assign to the supreme authority any moral preeminence of any kind. That is, of course, formally true. Practically, it seems to me undeniable that a position of legal preeminence results (however unjustifiably) in the tacit assumption of moral superiority. No one, it may be argued, can consider the history of politics, in event as well as doctrine, without observing this to be the case. The late Dr. Bosanquet's philosophy, for example, was nothing more than a brilliant attempt to clothe the legal sovereign in ethical garments. The history of the conflict between churches and the State, or between trade unions and the State, is very largely the history of the assumption by the latter of a moral not less than a legal right to obedience. For the State has to act through persons; and those who are its guests at a given moment are always convinced that they

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are acting in the name of eternal justice. I do not believe that the history of States supports that conviction; and I am, therefore, anxious to deny a philosophy which, as I believe, supplies it with its protective armor. I would add that a peculiarly flagrant example of the consequences of this view is to be found in the history of State liability for tortious acts. Professor Willoughby, with the powerful support of Mr. Justice Holmes in *Kawananokoa* v. *Polyblank* (205 U. S. 349), is able, of course, to maintain that the denial of liability is merely a matter of formal logic. He does not add that it is a formal logic the results of which are often unfair, and sometimes disastrous, to those who suffer from it. That is a type of formal logic not very satisfactory in its operation.

These criticisms, I would add, do not detract from my recognition of the interest and importance of Professor Willoughby's book. Those who, like myself, are on the other side of the battle will be grateful to him for stating what they believe to be erroneous doctrine in so clear and uncompromising a form.

HAROLD J. LASKI

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

A History of the United States, Volume VI. The War for Southern Independence. By EDWARD CHANNING. New York, The Macmillan Company, 1925.—vii, 645 pp.

It is hardly an exaggeration to say that the guild of American historical scholars hails the appearance of a new volume by Professor Channing with the same anticipatory enthusiasm with which the reading public of a century ago greeted a new historical novel from the pen of Sir Walter Scott. And it is but the minimum tribute to the quality of Professor Channing's work to say that his historical colleagues are never disappointed in their exacting anticipation. They are enriched and stimulated by a work of scrupulously careful scholarship, mature judgment, and concise presentation, based on an astonishingly comprehensive range of research, as revealed in the varied and often recondite sources cited in the footnotes and bibliography. One marvels that even in the approximately quinquennial period of the preparation of a new volume in this series, any individual could explore so vast an amount of material as Professor Channing has done.

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The present volume is entitled: *The War for Southern Independence.* But that title indicates rather the culminating episode than the constant theme of the book. Exactly half the volume (chapters i-x) is devoted to the period from 1848 to 1860, and all but one of these chapters—namely chapter ii on "California, Oregon, and Japan"—deal with the political, social and economic aspects of the approaching schism between North and South. They are an extended commentary on the title of the opening chapter of the volume, "A Divided Country". Nor is the second half of the book, which deals with the period from the firing on Fort Sumter to the surrender at Appomattox, primarily a piece of military history. The description of the actual operations on the field of battle is limited to a total of seventy-seven pages (in chapters xi, xv, xviii and xx), with another thirty-six pages devoted to "The War on the Water". Probably many critics, like the present reviewer, will be inclined to regard the space devoted to naval operations disproportionately large, and will wonder why an author who disposes of Antietam in seventeen lines (p. 473) and of Chattanooga in a single page (p. 555) should give more than seven pages (496-504) to the Monitor and the Merrimac, with a most elaborate description of the construction of the vessels and the incidents of the conflict. It is an illustration of the tendency in Professor Channing, quite at variance with his usual succinctness, to indulge rather unexpectedly at times in detailed and minute discussion of some topic which enlists his special interest. Readers of his fourth volume, in which the War of 1812 is treated, will recall that naval history is one of these topics. There are one or two other examples of lapses into undue specialization in the present volume, such as the author's statistical concern in chapter xiv with the number and types of enlistments in the war.

There is little in Professor Channing's volume to give comfort to those present-day apologists who deny that the determination of the South to maintain slavery at all costs was the efficient cause of the Civil War, and who would still uphold the theories of the Calhouns and the Rhetts on Southern "grievances" and the choice between liberty and "abject submission to aggression and outrage". On the very first page of his book, Professor Channing writes:

> The twentieth century historian finds it difficult to understand how the slaveholders and the slave-holding states could by any possibility have endured aggressive wrongs at the hands of the Federal government, for the South-

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erners themselves had held that government in their control for at least fifty of the sixty years of its life.

Numerous other remarks in the book, anent the assault on Sumner (p. 174, note), the Dred Scot case (p. 195), Helper's "Impending Crisis" (p. 208), John Brown's raid (p. 213), the Charleston convention (p. 241), the secession ordinances (p. 261), show that Professor Channing regards the aggressiveness of the Abolitionists as mild in comparison with that of the Southern fire-eaters, and that he agrees fully with the statement of W. A. Montgomery of North Carolina in the Southern Historical Society's *Papers* (xiv, 485) that "secession was resorted to by South Carolina and the six Gulf States for the protection of slavery". In the language of Talleyrand, he scores secession as worse than a crime—a blunder. We doubt if Professor Channing's volume will meet with a wholly hearty reception south of the Mason and Dixon line.

There are times when the reader feels a bit impatient with Professor Channing's reluctance to commit himself to a judgment, however. Again and again such phrases as "impossible to say at this time" or "veiled in obscurity" occur in connection with events which seem reasonably determinable. For example, he begins chapter x (p. 256) with the sentence: "The motives and reasons that led the men and women of the South into secession are as inscrutable now as they were in 1860 and 1861." This he says in spite of the fact that the preceding chapters contain a sufficiently clear exposition of those motives and reasons, and that he goes on for three or four pages to illustrate by quotation from Lee, Cobb, Senator Hill, Parson Brownlow and others the motives and reasons which prevailed in the minds of influential men.

The competent student of the history of the period will not find much that could be called "new" in Professor Channing's work, in the way either of fact or of interpretation. Perhaps the most striking instance is his refutation (p. 552) of the generally accepted theory that Vicksburg was "starved" into surrender and that the South generally was lacking in ample food supplies in 1865, had they been properly distributed (p. 621).

There are a few faults of proof-reading. Why should "Census" be enclosed in quotation marks on page 5, and not on page 126, or spelled with a capital "C" in either case? On page 27 the value of the manufactured products of the South at the close of the decade 1859-1860 is put down at $193,000,000, and on page 30 at $155,-

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000,000. On page 120 the "Softs" are characterized as "opposed to the further extension of slave territory" and the "Hards" as sympathetic with the South; while on page 134 their rôles are reversed. The statement (p. 153) that "the Missouri Compromise had consecrated to freedom all the territory north of the parallel 36′ 30″ and west of the new state of Missouri" is open to misunderstanding. No mention is made in the treatment of the Dred Scott case of the decision of the Federal court in Missouri (p. 188). Of the Chicago convention of 1860 Channing says: "As had been expected, Seward received 173½ votes, Lincoln 102, Cameron of Pennsylvania 50½," etc. (p. 235). We doubt if the political forecasters were quite as canny as this! On page 246 it is stated that Lincoln "did not gain one vote in the South". This is true only if "the South" is understood in the narrower sense of the states of the secession (see p. 250). But these after all are only venial faults in a work of such sustained excellence as Professor Channing's, and such meticulous criticism would utterly lose its point unless directed against a work of meticulous accuracy.

Of course, the Civil War was a "war for Southern independence"; but in choosing this title, instead of, say, "The War of Secession", Professor Channing has made a greater concession to the contention of the Southern apologists than the whole text of his volume would seem to warrant.

DAVID SAVILLE MUZZEY

The Christian Outlook. Being the Sermons of an Economist. By SIR WILLIAM J. ASHLEY. London and New York, Longmans, Green and Company, 1925.—v, 99 pp.

It would not be easy to find a book more deserving of the title "Sweetness and Light" than is this collection of seven short sermons and two "addresses", distinguished from the sermons in little except small details of the circumstances under which they were originally delivered. None of them occupy more than ten minutes or so of unhurried reading, but the solidity and weight of the content vie with the charm and quiet effectiveness of the utterance. Naturally, tastes will differ as to what a sermon should be. These have not the character of the call to arms and to battle, nor yet that of the masterpiece of deep and accurate logical analysis. Rather do they "breathe a spirit" of religion, conceived as belief in the purposiveness of life, in the reality and seriousness of the struggle of

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good against evil, and confidence in a favorable outcome. Such sermons belong in a religious service according to the ideal which the author, in the last "address" in the volume, frames for a Christian Union of university students:

> It can furnish a quiet retreat, apart from the bustle..., where, for a space, instead of argument there will be tranquility and rest; a place, where, quietly and without clamour, the Christian message will be repeated—that there is a God who is a God of Love; in other words, that this universe has somehow a meaning, and that that meaning is man's highest good. Men and women do not always want to be argued with; but they are often glad enough..., to share for a time an atmosphere of faith.

"And," the economist-historian-preacher hastens to add, "the atmosphere of faith is the atmosphere of duty." There is no quietism in his message, as there is no gloom; it is "Christian" in the highest and best sense (whatever one may think of the historically "true" interpretation), as against paganism, asceticism or puritanism. (The author refers once to Schweitzer and shows his influence, or agrees with him at least.)

In theme the talks are divided between the reflective or technically religious and the practical, some dealing with specific economic problems. Everywhere the author's position is intelligently progressive, humane and tolerant. I have said that he has repose without fatalism. He can choose as a text for a sermon on economic combinations the words, "Thy will be done on earth", and in the same sermon say that it is "the duty of every Christian today to join a trade union or an employers' association, and to do all that lies in his power to influence its policy in reasonable directions." He adds that "it is comparatively easy, and not particularly meritorious, to keep oneself 'unspotted from the world' if one shuns it", and this note recurs throughout the book. The address on "The Present Industrial Order" treats of competition and Christianity. Beginning with an emphatic statement that no type of social mechanism can be held to be definitely condemned or approved in the Scriptures, the author admits that "the present order has serious defects and certainly no lover of his fellow-men can be satisfied with it". Nevertheless, in the face of the undoubted facts as to what would result from attempting to change it suddenly, and especially "because it is so largely engaged in the process of eliminating itself", he "acquiesces in Competition", and is "prepared to wait, not impatiently, for that movement to do its work". He has no easy or quick solutions, but a faith in the power of labor and patience. In

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this address especially, he strikes out with master strokes a road between evolution as fatalism, and progress as the fruit of intelligent and moral endeavor.

As I have said, tastes differ. Many in our day will condemn anything of the nature of a sermon without further inquiry, while more will turn away from simplicity, dignity and repose, in favor of smartness and "pep". To me some of these talks seem to present the English essay at nearly its very best. This is especially true of the last of the "sermons", entitled "The Outward and the Inward", where the theme is the contrast between the beauty or grandeur of Nature and that of the moral nature of man.

F. H. KNIGHT

UNIVERSITY OF IOWA

La Campagne "Innocentiste" en Allemagne et le Traité de Versailles. By RICHARD GRELLING. Paris, Alfred Costes, Éditeur, 1925.—xi, 319 pp.

Les Origines Immédiates de la Guerre. By PIERRE RENOUVIN. Paris, Alfred Costes, Éditeur, 1925.—xvi, 277 pp.

While his countrymen were fighting for the Fatherland, Richard Grelling, safe in Switzerland, devoted his energy to attacking them in *J'accuse, Das Verbrechen,* and numerous magazine articles. He wrote with such venom, prolixity, and disregard of facts, that many serious students have begun to doubt his honesty and place less and less faith in his repetitious argumentation as to Germany's guilt. This seems to have hurt his vanity and inspired him with a kind of blind rage. His latest volume is a rambling hodge-podge which seeks to discredit the testimony offered by Count Montgelas and other experts at the so-called Kurt Eisner trial at Munich, which he regards as part of a campaign to establish German "innocence". To question for an instant the dictum of the victorious Allies, as expressed in the "guilt article" of the Treaty of Versailles, *"c'est plus qu'un crime, c'est une faute"* (p. 316). The latter part of Grelling's volume is a personal invective against Count Montgelas, against whom he has two great grievances. The first is that Montgelas somewhat changed his views in regard to German responsibility after studying the Kautsky Documents and other new material. In a recent pamphlet Montgelas admits that he was mistaken on some points before the archives were opened, and adds, *"Hu-*

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manum fuit errare, diabolicum est per animositatem in errore manere". Grelling's other grievance is that, while he himself can no longer find a publisher in Germany for his screeds, Montgelas is honored as an expert, and "can lay his cuckoo eggs in newspapers and reviews without number" (p. 279).

M. Renouvin is a man of totally different character and calibre. He fought long and valiantly for the defense of his country, losing one arm at the shoulder and part of the remaining hand on the other. He is the best type of French scholar, worthy to be a pupil of M. Lavisse in the pre-war days. He writes with admirable French lucidity, brevity and grasp of the essentials; with a scholar's honest effort at perfect objectivity and the establishment of the facts exactly as they occurred. As secretary in active charge of one of the four best collections of books on the origins of the war, he has had exceptional opportunities for study. His volume on the immediate causes of the war is by far the best which has appeared from the hand of a Frenchman.

M. Renouvin evidently finished his volume before the publication of Ljuba Jovanovitch's revelation of the fact that the Pashitch Cabinet was aware, three weeks before the assassination of the Archduke, of a plot prepared in Belgrade, but took no effective steps to prevent it. Otherwise he would have discussed it, and been more severe in regard to Serbia's responsibility. He admits, however, the complicity of Col. Dimitrijevitch and the "Black Hand", but thinks the Pashitch Cabinet was powerless to crush the latter. He also admits the "indirect" responsibility of the Serbian Government in knowing and approving the subversive activities carried on against Austria by Serbian nationalistic societies (pp. 8-10). He happily sweeps away many of the legends upon which Entente propaganda has built up its thesis of the sole responsibility of the Central Powers. There was no "Potsdam Council" at which the Kaiser plotted a European War. In giving a blank cheque to Austria on July 5, "the Emperor did not give any special orders nor make preparations" (pp. 26-27). In fact, from his account, it would seem that throughout the crisis French and Russian military preparations preceded corresponding German preparations (pp. 143-155, 175-180). The famous "ten-kilometre withdrawal" was in reality in many places only a four-kilometre withdrawal and not everywhere effective; the main reason for this order, however, Renouvin does not sufficiently emphasize in saying merely, "Viviani hoped also that this measure would be appreciated by the English Govern-

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ment and public opinion" (p. 177). He abandons the fictions of Grelling and other Entente writers that the Russian general mobilization was caused by the *Lokalanzeiger* episode and by the Austrian general mobilization, which was not ordered until eighteen hours afterwards (pp. 146-160). He does not resort to the familiar but untenable argument of denying the doctrine that "Mobilization means war", though he has some very interesting remarks on this subject, which do not seem altogether logical and sound (pp. 261-263). One of his most interesting chapters is that on the evolution in the attitude of the British Cabinet (pp. 209-222), which may profitably be compared with Mr. Ewart's indictment in *The Roots and Causes of the Wars* (pp. 111-199).

On the other hand, M. Renouvin believes Austria's ultimatum was unduly harsh and deliberately framed to provoke war with Serbia (though not a general European war), that Germany was soon aware of this intention, and therefore jointly responsible in it, in spite of the possibility, or probability, that it would lead Russia to intervene and so cause a general conflagration. To the German thesis that it was Russia's general mobilization which rendered a European war inevitable, he opposes two arguments. One is that, even if Russia had delayed her general mobilization, it is doubtful if war could have been prevented in view of the situation which Germany and Austria had created: Austria's declaration of war against Serbia on July 28, the insincerity of her pretense at finally yielding, the feebleness of Germany's eleventh-hour "reversal" of policy, and the increasing pressure of the militarists everywhere. This argument is perhaps sound. The other seems to me much less tenable. It is that Bethmann-Hollweg had already given way before German militarist pressure at Berlin, before he heard of the Russian general mobilization, as shown by his cancellation, at 11 : 20 P. M., July 30, of a restraining telegram sent to Vienna a little earlier (pp. 138-141, 162, 259-261; *cf. Kautsky Documents,* nos. 441, 450). It is true that at this time Moltke was pressing for German mobilization, and had privately, without authorization, advised Austria to order general mobilization. But it is also true that Bethmann still held back successfully against the militarist pressure until the following noon, when he received indubitable official confirmation of the Russian general mobilization, the orders for which had been dispatched throughout the Russian Empire the previous evening, about 6 P. M., July 30. Bethmann's reason for cancellation was a statement from the General Staff which had received "two

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independent and trustworthy reports" from the East Prussian frontier that Russian general mobilization had already been ordered, which was the fact; but he still waited for official confirmation of the fact by the German ambassador in St. Petersburg, before consenting that Moltke should take decisive steps (*cf.* pp. 139, 162). It was Russian mobilization which led to the German ultimatums and to war.

In the last analysis, M. Renouvin finds that there were three general causes for the outbreak of the war, which were common to all the Great Powers. First, the feeling of suspicion and fear on the part of the diplomats. Second, the system of alliances and the fear of weakening them, which made Germany afraid to restrain Austria, just as France was afraid to restrain Russia. And third, the influence in a crisis which is exercised by the pressure of technical military considerations (pp. 267-8).

In regard to almost all facts in M. Renouvin's volume I find myself in agreement. In regard to the interpretation of these facts, and the inferences to be drawn from them, I venture to differ from him in several points. There are also a number of questions which he omits, or barely touches upon, deserving of consideration, which cannot be dealt with within the limits of this review.

SIDNEY B. FAY

SMITH COLLEGE

China Awakened. By MIN-CH'IEN T. Z. TYAU. New York, The Macmillan Company, 1922.—xvi, 475 pp.

China, Yesterday and To-Day. By EDWARD THOMAS Williams. New York, Thomas Y. Crowell Company, 1923.—xviii, 613 pp.

Until within quite recent years the Chinese appeared content to let the foreigner tell all there was to know about them and their country. However voluminous their compositions on the subject, the literature was the work of Chinese scholars for Chinese scholars, and not for scholars of Chinese. Whether the utterances of the outsider were substantially true or altogether false did not matter. In consequence, China and the Chinese came to figure in the European consciousness as a type of curious and antiquated civilization, rather than as an actual land and a living people. They were converted even into a state of mind, suggestive of a survival of immemorial custom, incapable as well as intolerant of progress, or else into a gigantic relic of remote ages, out of which should be quarried

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the sticks and stones for an edifice of modernity built by outsiders in their own interest and for their own profit.

That these concepts, rooted in Occidental ideology—and to a very great extent still held by it with reference to the Orient in general—would be shattered sooner or later by the forcible impact of European ideas and institutions, is the chief contribution, perhaps, of the books of Dr. Tyau and Professor Williams. Oddly enough, the spirit and method characterizing them reveal a sort of transposition on the part of the respective authors. The former writes more or less like a European or American journalist, and the latter, much as a Chinese scholar might, who surveys a foreign land and its inhabitants. The one has the quick, vivid, picturesque, impressionistic style of the man seeking to catch the eye of the reader; the other, the quiet, sober, cautious, reflective attitude of the student who has observed closely from a vantage point of detachment. As the one feels, because he is Chinese, so the other thinks, because he is not. Had Dr. Tyau, from his standpoint of ethnic origin and familiarity with the European world, dealt as extensively, as variously and as thoroughly with his country and people as Professor Williams, of another race and having on his part much the same familiarity with China and the Chinese, has done, his work would have been of remarkable service by way of complement and supplement. It would have supplied the reverse to an obverse view of the same object.

Interesting, entertaining and in no small degree instructive as the treatise by Dr. Tyau is, as a description and explanation of the moral, social and economic changes through which his countrymen are passing, it suffers in comparison with the book by the American. The brief preface by Sir John Newell Jordan, the veteran British diplomat, portrays a deep knowledge, not of Chinese history and characteristics alone, but of the historic relations also between the Orient and the Occident. His single sentence, indeed, referring to possibly the worst effect of European influence—"Pseudo-militarism is still the bane of China and until the *Tuchunate* is abolished, there can be little hope of any improvement in the Administration" (p. vi)—is the keynote to understanding the political situation which, to the world of newspaperdom at least, is the main thing of outside interest in the China of to-day. The longer introduction by Mr. Charles R. Crane, formerly American minister at Peking, evinces more good will than actual knowledge about what he writes; otherwise he would not have declared (p. vii) that "until recently Western Europe and Eastern Asia had almost no contact"! Both of

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these contributions, however, the reviewer believes, are something of a disservice to the author; because they seem to indicate that, unless a Chinese writer secures the approval of distinguished foreigners to vouch for the usefulness of his work, he can command no attention on the part of European readers. Such a procedure, instead of weakening the grip of foreign interpretation of things Chinese, tends rather to strengthen it—all the more so in view of Dr. Tyau's manifest effort to convince English-speaking mankind that China is entitled to speak for itself in a tongue that Europe knows.

That the Chinese author devotes a large amount of space to narrating and discussing the international relations of his fatherland between 1915 and 1919, about which so much that is sympathetic to China has already been written, and to printing in an appendix upwards of a hundred pages documents readily obtainable elsewhere, is unfortunate. The same is true of his omission of an account of internal politics and finance and his failure to provide a bibliography, which are precisely what a foreign reader would like to have. In the case of a Chinese publicist so able as he is, the excuses he offers (pp. xii, xiii) are hardly adequate or justifiable. Again, had he been more of a historian and less of a journalist—unless indeed a publicist be defined as an unstable blend of the two, the vices of the one detracting from the virtues of the other—he might not have asserted (p. 331) that the late "Allies . . . learned to emulate the Germans in their propaganda campaign in neutral countries". They certainly needed no such model of dubious worth to insure efficacy for their operations in that respect. Also he might not have iterated the supposititious axiom about, if "you want people to know the truth, you must take it to them and not wait for them to come to you" (*ibid*). Upon the absolute veracity of such an utterance the blight is its failure to answer the question that Pontius Pilate once asked! Realizing, then, that Dr. Tyau is a patriotic Chinese, stirred by a consciousness of the evils that have been inflicted from without upon his country, more than by a disposition to acknowledge possible benefits within derived from that source, the reader will appreciate the wisdom of differentiating between the author's love for his native land and his regard for truth as something not entirely synonymous with propaganda.

Until a Chinese writer sees fit to tell in a single volume what he thinks and knows, as well as what he feels, about the past and present of China, its people and its civilization, with a degree of success comparable with that attained by Professor Williams, the

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viewpoint of the learned foreigner will continue to remain the standard of reference for the outside world. Into a volume of no great dimensions the American author has compressed gatherings, siftings and winnowings of many years given over to a study of Chinese life and thought. His book, to be sure, is and could not be other than an outline; but as such it leaves surprisingly little to be guessed at, which reasonable expectation would desire to have included. Geography, ancient history, social status, occupations, political divisions, government, economic institutions, philosophy, religion, foreign intercourse, the measure of Europeanization and the reaction to it, chronology, special items of information, a well-chosen bibliography, more or less pertinent illustrations, and a fine map ingeniously tucked into a pocket on the back cover—all are provided. Though not so popular in diction or appeal as the work by Dr. Tyau, it covers more ground and in more systematic fashion.

Agreeably conspicuous among writers on the theme, Professor Williams is sympathetic in attitude, without being effusive or sentimental. Aware of the prevalent Western notions, he removes their misconceptions painlessly, and yet replaces them with no exaggeration of Chinese virtues. Actuated by neither malice nor partisanship, any more than the scientist is, who examines some animate object through a microscope, he presents the many facets of the life record of a great people as ably and as conscientiously as a foreigner can. That he refrains from moralizing is a matter for further congratulation. Professor Williams has written a book that will hold the interest of the general reader, even while it attracts the attention of the specialist who likes ever and anon to wander anew through the trodden fields of knowledge.

WILLIAM R. SHEPHERD

Social Consequences of Business Cycles. By MAURICE BECK HEXTER. Boston, Houghton Mifflin Company, 1925. — xxiii, 206 pp.

Theories of social causation depend increasingly upon the statistical device known as the coefficient of correlation. But as a high coefficient may often be found between series that possess no discernible causal relationship, there is always the possibility that the theories may be in error. That class of variable phenomena to whose fluctuations the greater amount of attention has been given is likely to be regarded as the fundamental class. As relationships

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between changes in this group of phenomena and other social changes are noted, the latter may come to be regarded as *effects* of the former. Thus in recent years advances have been rapid in the isolation and charting of various aspects of the business cycle. Investigators have found that this cycle was correlated with fluctuations in other vital and social phenomena. Viewing this evidence, most of us have adopted the inference that the business cycle caused the other social changes.

It is undoubtedly this prevalent, naïve, but possibly erroneous assumption that has led Dr. Hexter into a curious contradiction between his thesis and his title. "Social *Consequences* of Business Cycles" implies acceptance of the current economic determinism in this respect. In his pages the author is most cautious in inferring the existence and direction of causal dependencies between the phenomena which he finds to be related. Finally, in a concluding chapter on "Social Aspects of the Origin of Business Cycles", he advances the hypothesis that fluctuations in such social phenomena as births and deaths, by affecting current states of mind, may be among the *origins,* rather than the consequences, of fluctuations in business prosperity. It is the old, old question of which came first.—The author finds himself in some agreement with Ellsworth Huntington as to the order of sequence, though he rejects the latter's climatic hypothesis.

The book is monographic in form, replete with graphs and tables. The methods used are among those developed by Professor Warren M. Persons and employed by the Harvard Committee on Economic Research. The data of the study consist of birth rates, death rates and still-birth rates per thousand of the general population of the city of Boston, numbers of marriages in Boston, and numbers of divorce libels (regarded as more homogeneous than divorces) in the nearly equivalent county of Suffolk. How the rates were derived is not indicated. Each series comprises a rate or a number for each month of the years 1900 to 1921 inclusive, a total of 264 determinations. As representing the business cycle, the cycle figures derived by Persons from the *Monthly Index Numbers of Wholesale Prices of All Commodities,* together with certain index numbers of unemployment in Massachusetts and New York, are employed.

From the standpoint of method, two aspects of the study require mention. The first is the use of monthly data. The value to the social statistician of many series of data is diminished if not destroyed when they consist of annual summaries or averages, within

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which seasonal and minor variations are hidden. In such cases it proves impossible to dissociate the seasonal and the cyclical influences. The existence of a lag or a lead in one of two series may distort even a cyclical relationship, while the determination of seasonal relationshp is of course precluded. These disadvantages are overcome with monthly data.

In the second place, the author has succeeded in isolating within each of his series the effects of four dissimilar types of forces, namely: (1) the secular trend, (2) seasonal variations, (3) cyclical fluctuations, and (4) fortuitous influences. After trends have been established, seasonal variations in births, deaths, still-births, marriages and divorce libels are separately related with seasonality in unemployment or prices, and in some cases with each other, each time with the calculation of a correlation coefficient for all of the twelve possible cases of synchronization or lag that the monthly data permit. Twelve-month moving averages are depended upon to eliminate accidental fluctuations. The cyclical tendencies are found in a number of cases to be related in the inverse direction from the seasonal tendencies, thus attesting the necessity of breaking down a series into the separate results of component forces affecting it (*cf.* p. 136).

The trends with respect to all of the data correspond with those for the United States in general. Deaths, still-births and births, in the order named, show declining rates. Marriages and divorces are both on the increase. For the period covered, 1900-1921, the author has found linear trend lines to represent the "best fit" in all cases. Where serious fluctuations away from the line occur, as in the post-war years at the end of the period, he finds ground for regarding the fluctuations as abnormal (rather than as indicating a new direction of trend) and feels justified in extrapolating the trend from his linear equation.

Many of the detailed findings of seasonal variation and relationship correspond to *a priori* expectation. Marriages are closely related positively with births, when the latter are given a nine-month lag. Marriages and divorces are highly correlated positively, with divorce given a four-month lag—a time just about sufficient, as the author euphemistically suggests, for legal documents to be prepared. "Certain months represent times of great stress in society. March is the heaviest month for births, deaths and divorce cases. It is lightest for marriages. June is the heavy month for marriages—it is lightest for divorce cases and deaths. October, also, is a heavy month for marriage and divorce—holding second rank for each."

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Possibly the cyclical correlation of greatest interest to social scientists will be that between births and deaths. There have been good reasons to assume that, as stated by Professor Willcox, influences which tend to increase deaths tend also, generally speaking, to decrease births. Dr. Hexter finds such an inverse relationship only in the seasonal fluctuations. Not only in the trends, but in the cyclical fluctuations as well, he finds the two tending to vary in the same direction. While the text is not explicit on the matter, the author is evidently dealing with crude birth and death rates based for the inter-decennial periods upon interpolated estimates of the population. One is inclined to wonder whether refinements of the rates for age, sex and nativity, with allowances for possible fluctuations in the rate of population growth, would affect the relationship in any manner. Such refinements were of course impracticable, if not wholly impossible.

Dr. Hexter's study is a valuable contribution within a field where much needed tillage has only begun. It deserves emulation in other communities where consistent local data over a period of years may be available. The volume contains an introduction by Professor Allyn A. Young which serves as an excellent review of its contents. The author himself is Executive Director of the Federated Jewish Charities of Boston and Instructor in Social Ethics, Harvard University. The book appears as Number Seven in the Publications of the Pollak Foundation for Economic Research.

STUART A. RICE

DARTMOUTH COLLEGE

The Austrian Crown. Its depreciation and stabilization. By J. VAN WALRÉ DE BORDES. With a foreword by Sir Henry Strakosch, K.B.E. London, P. S. King and Son, Ltd., 1924. — xiv, 252 pp.

The tragic and almost incredible chapter in the world's economic history that was ushered in by the war has not yet drawn to its close in all countries, but the end is at least in sight, and a happier era seems definitely established. It is now possible, therefore, to make a continuous survey of the outstanding events in the cycle of collapse and recovery, and to seek an understanding of the conditions and forces in which these events originated. Towards such an understanding, *The Austrian Crown* is a remarkable contribution. It is a careful, lucid and altogether satisfactory account of the deprecia-

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ion and subsequent stabilization of the Austrian currency. It presents not only a valuable description of the objective facts in the case, but also a convincing and fresh interpretation of the relations between them. Within its province, it is the best of the post-war discussions of contemporary currency and finance that have come to the reviewer's attention.

The main features in the Austrian episode are too familiar to require recapitulation: a depreciation which grew slowly at first, but which acquired absolutely nightmarish proportions in 1921 and 1922 (in the last three months of the period, prices and the foreign exchanges rose 800 per cent); and thereafter, following on the intervention of the League of Nations in the summer of 1922, a stability which with whatever difficulty has nevertheless been successfully maintained for three years. The chief interest of the book lies, rather, in its explanation of the connection between the various factors of the situation—in its conclusions on matters of general principle. These conclusions are of two main classes, one concerned with the theory of money and prices, the other with the theory of the foreign exchanges.

With respect to the first, Dr. de Bordes starts out by setting up the familiar "equation of exchange", adopting for convenience Professor Fisher's formula ($MV + M'V' = PT$). But which of these elements is cause, and which effect? The more extreme quantity-theorists would expect the sequence to run, on the whole, *from* money *to* prices, in a given concrete case. In Austria, this expectation was borne out in 1914 and 1915. The quantity of money increased first, and the level of prices reacted only somewhat later (p. 159). But from 1916 until the end of 1923 the price level showed a rise increasingly greater than the rise in the circulation alone could possibly explain, reaching in the middle of 1922 an index some seven times higher than that for the circulation. At one time this divergence was accounted for simply by the actual shortage of commodities. But in the latter part of 1921 and in 1922 the reason was quite different. It lay partly in the not inconsiderable influx of foreign currency, but chiefly in that terrific increase in the velocity of circulation of money, which has become so familiar a feature of periods of severe depreciation. Everyone who was unfortunate enough to possess money dashed off to buy goods with it — shoes, ironware, houses, baby-carriages, anything at all — lest the money moult off half its value in an afternoon. This made it possible to get on with an infinitely smaller total gold value of the currency in

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the country than usual, and permitted a comparatively moderate volume of it to support an exorbitantly high price level (pp. 162 *et seq.*). The increase in money *followed,* and was indeed often the result of, the rise in prices. Here the quantity-theory explanation broke down.

With respect to the theory of the foreign exchanges, two alternative explanations are available. One is the purchasing-power-parity theory, which regards the ratio between prices in different countries as the primary determinant of the foreign exchange rates. The other, hitherto nameless, takes the opposite position. It makes the *exchange* rates, however determined, the cause of fluctuations in *prices.* Dr. de Bordes avoids committing himself to either as universally valid. He points out the fact, however, that a period of severe depreciation has another common characteristic, observed in Germany and Poland and Russia as well as in Austria. Prices soon come to be fixed, in effect and often explicitly, not in terms of the fluctuating and collapsing local currency, but in terms of some foreign money. In consequence, under these conditions, the level of prices is in the most literal sense the result of the foreign exchange fluctuations. Such was the condition of Austria from the end of 1921 to the beginning of the period of stabilization: the rate of exchange *determined* the internal price level. Many prices were not quoted at all in the Austrian currency, but were fixed directly in Swiss francs or dollars; and large groups of wages and salaries were automatically adjusted to a foreign-exchange index (pp. 172 *et seq.*). As to the rate of exchange itself, finally, it was chiefly the product of the movement of capital and of exchange speculation—especially the latter. The demand and supply of the other elements in the balance of international payments, commodities and services, is comparatively inelastic. The volume of their movement is physically incapable of more than a certain amount of change, though depreciation undoubtedly tends to promote their exportation. But no such limits exist for the movement of capital and the pressure of speculation. The greater the prospect of a new depreciation, the stronger the bear tendency becomes, thus bringing on and exaggerating that fall which it is itself attempting to discount in advance. And prices are carried along on the flood of the foreign-exchange cataclysm. This definitely established fact would seem to wreck the purchasing-power-parity theory. Dr. de Bordes, however, refrains from drawing too general an inference from what is after all but one phase in the cycle of depreciation. He concludes only that the exchanges and

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the price parities tend to *coincide*. Depending on the particular situation, either may be the stronger factor, and thus draw the other to it; that is, be the source of the other's fluctuations (p. 199). It may be added that this position—which to the reviewer seems the only one tenable as a universal proposition—is finding increasingly wider acceptance.

The events of the period of stabilization, finally, are striking. The stabilization was begun not with prices, which the conclusions of the purchasing-power-parity doctrine would require, but with the foreign exchanges themselves. (A gold exchange standard was set up, but resting almost entirely on holdings of foreign bills, not on gold reserves. Its basis, at first the Swiss franc, is now the dollar.) Prices then followed suit. And the price level continued to be comparatively steady, in face of the apparently impossible fact that the note circulation increased nearly seven hundred per cent *after* the stabilization was effected! The explanation of the paradox is that the velocity of circulation of money, which had been forced so high by depreciation, was now falling with almost equal rapidity. As confidence in the crown returned, both at home and abroad, the demand far outran the supply; and indeed a severe business depression, due to insufficient media of exchange, was only partly prevented by the enormous increase in note issues.

There are many other matters, both of general economic conditions and of financial technique, which would well repay study and comment, were space available for their discussion. The book is one with which every student of international finance and international monetary problems should be familiar. Such criticisms as can reasonably be made of it are almost entirely ones of detail alone, and based on defects in the statistical and descriptive materials available rather than on the way in which they are employed. Dr. de Bordes has carried our knowledge of a difficult and important subject a long way forward.

JAMES W. ANGELL

COLUMBIA UNIVERSITY

The Basis of Racial Adjustment. By THOMAS JACKSON WOOFTER. Boston, Ginn and Company, 1925.—viii, 258 pp.

Out of the vague and ill-defined field of the social science of former days there are emerging specific problems which collectively are coming to be generally accepted as sociology. One of these is the subject of race relations. While anthropologists and ethnolo-

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gists have taken unto themselves the investigations of elemental peoples under primitive surroundings, sociologists have been pursuing studies of backward peoples in civilized settings. Research bodies have been studying the Oriental in American populations and the negro as a factor in American political and social life.

Few students of the negro problem are as familiar with that general field as is Dr. Woofter—a Southerner by birth and tradition—or as well qualified by training to present a comprehensive discussion of the adjustment of the races, black and white, to one another.

The basis of racial adjustment lies not in a paternalistic attitude on the part of the whites but in a frank meeting of leaders of both races to discuss their mutual problems. In the fields of health, industry, law and order contacts are unavoidable. Adjustment of the relations between the races is imperative. Sufficient experimentation has been made for us to realize that most of what have been considered "problems" in these adjustments are now positively and clearly defined—are tasks demanding fulfillment. "The white man's tasks are those of self-control in difficult situations and of adjusting American institutions so as to give the maximum service in aiding the belated race; the negro's tasks are those of self-development, of cultivating family life, industry, thrift, and moral stamina."

Segregation is a well recognized sociological principle. Like invariably tends to associate with like. One of the most difficult phases of all Americanization work lies in breaking down the closely knit groups of Austrians, French, Italians and other nationals in our cities. Segregation of negroes is sought by black as well as white. Where segregation is voluntary it rarely produces discomfort and degradation, and in a separation which prevents miscegenation yet which affords fair opportunity and freedom from insult and discrimination lies the solution. Social contacts that are harmful and that inspire bitterness should be obviated; those which are for mutual benefit should be encouraged. The development of many hundreds of county inter-racial committees, functioning to advance cooperation in the fields of public health, economic endeavor, morals and education has been an important and far-reaching step. Much has been achieved in spite of the many potent forces militating against adjustment. Among these forces are the inertia of tradition and the sensationalism of the press, both negro and white, which stress ancient discords and exaggerate regrettable contacts.

Dr. Woofter has prepared a volume primarily for classroom use, but has succeeded in producing not only a textbook but a most read-

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able volume for professional and amateur sociologists, filled with anecdote and illustration, and setting forth in detail the splendid advance that has already been made toward racial understanding and sympathy and toward amelioration of the condition of the negro, particularly through the expansion of the activities of existing agencies.

That the negro is capable of doing his part in working out adjustment has been demonstrated by the large and ever-increasing number of capable members of that race who are entering the technical and learned professions and who are achieving worthy results in the arts and sciences. Putting aside as undemonstrable the theories of equality or superiority, differences between the races are shown to be inevitable and possibly useful in creating special abilities and in enabling the groups to make special contributions to American life. That the negro is worthy of opportunities far superior to those afforded him to-day is illustrated by the experience of one of the largest and most cosmopolitan colleges in this country in discovering that last commencement strikingly prominent among the "honors men" was a very black youth from the British island of Jamaica.

FRANK A. ROSS

Studies in Mid-Victorian Imperialism. By C. A. BODELSEN. New York, Alfred A. Knopf, 1925.—226 pp.

In a number of papers, the first of which was read at the annual meeting of the American Historical Association in 1894, the late Professor George Burton Adams advanced the view that the movement in England for imperial federation began as a reaction against the supposed anti-imperial policies of the British Government at a time when it was widely believed, both in Great Britain and in the colonies, that Gladstone and his colleagues in the ministry were seeking to bring about the dissolution of the Empire by cutting the colonies adrift from the mother country. Professor Adams gave evidence to show that a grave crisis in imperial relations was reached in the years 1869-70, and further light was thrown upon this crucial period by an article in the POLITICAL SCIENCE QUARTERLY of December, 1921. But it has received surprisingly little notice in the general histories of England and of the Empire, or in the biographies of the leading British statesmen of the day, with the result that the circumstances and the character of modern British imperialism, in its early phases, have been very imperfectly understood.

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Dr. C. A. Bodelsen, in an informing and scholarly monograph, based upon extensive research and written as a doctoral dissertation under the Faculty of Philosophy of the University of Copenhagen, gives us the fullest and most reliable account that has ever been published of the early British imperialist movement in its historical setting. The word imperialism is redolent of such various odors that the author is careful to explain precisely what fragrance it has for him. He uses it to denote "that specifically British movement which aims at preserving and consolidating the unity of the British Empire" (p. 7). In its origin this movement had no affiliations with Jingoism and national aggressiveness, it was almost entirely free from sentimentalism and bombast, it was not distinctly associated with the Conservative party, and it had no connection with protectionism, which was not at the time an issue in British politics. In his famous speech at the Crystal Palace in June, 1872, Disraeli gave imperialism his official benediction, but by this time it had already won the day, and Dr. Bodelsen thinks that Disraeli's primary object was to secure for the Conservatives a popular electioneering issue in their efforts to "dish the Whigs" (p. 121). The later association of imperialism with Jingoism in the popular mind seems to have originated during the period of the Disraeli ministry of 1874-80 (p. 129).

From his study of the anti-colonial movement the author concludes that separatist doctrines grew steadily in influence in England for nearly twenty years after the middle of the nineteenth century and reached their climax early in Gladstone's first ministry. He regards 1869 as the critical year; until then "Separatism had been in the ascendant, after that year Imperialism is steadily gaining ground" (p. 94). He distinguishes between the Separatists proper, a comparatively small group of persons, including the influential leaders of the Manchester School, who actively desired the break-up of the Empire, and the much larger number of persons, the "Pessimists" as he calls them, who, while not positively in favor of imperial dissolution, looked upon it as inevitable. The majority of mid-Victorian statesmen of both parties seem to have belonged to the latter group. While Dr. Bodelsen is sympathetic toward the purposes of the early imperialists, his tone is never that of the partisan. He holds that the Separatists by no means deserve all of the censure that has been heaped upon them; he shows that they were not all inspired solely by considerations of profit and loss, and that there were idealists among them who looked forward to something like the present-day

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British Commonwealth of Nations (p. 58); and he thinks that the belief that separation was inevitable facilitated the adoption by the British Government of that liberal colonial policy to which the preservation of the Empire is, in large measure, to be attributed. "Paradoxically the Separatists may thus be said to have contributed their share towards the continued unity of the Empire" (p. 59).

At first, Dr. Bodelsen shows, the imperialists were content to stem the tide of Separatism without proposing schemes for the constitutional reconstruction of the Empire. But in 1871 the movement entered upon its second phase, in which "practically the entire stream of Imperialist energy is diverted into one channel: the so-called Imperial Federation movement" (p. 130). The term "Imperial Federation", however, was used loosely and was applied to projects for closer imperial union that were not federal, strictly speaking, at all.

The author devotes considerable attention to the writings of Carlyle, Seeley and Froude as related to imperialism. He believes that Carlyle's influence upon the movement has been greatly overrated, and that Seeley contributed little to it in the way of ideas, though he popularized it by his brilliant *Expansion of England*. Froude, on the contrary, was one of the pioneers of imperialism and deserves a high place in its history.

ROBERT LIVINGSTON SCHUYLER

Employes' Representation in Coal Mines. A Study of the Industrial Representation Plan of the Colorado Fuel and Iron Company. By BEN M. SELEKMAN and MARY VAN KLEECK. New York, Russell Sage Foundation, 1924.—xxxv, 454 pp.

Employes' Representation in Steel Works. A Study of the Industrial Relations Plan of the Minnequa Steel Works of the Colorado Fuel and Iron Company. By BEN M. SELEKMAN. New York, Russell Sage Foundation, 1924.—293 pp.

These two companion volumes constitute a minutely detailed report on the workings of the "Rockefeller plan" of employee representation, in the coal properties and the steel works respectively, of the Colorado Fuel and Iron Company. The occurrences which preceded the installation of this plan and the prominence of those who formulated it made it of national interest, and it became the prototype of a large number of shop-committee plans adopted in the past ten years. When the Russell Sage Foundation entered upon a study

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of the shop-committee movement, to see how far shop committees give evidences of being genuine forms of industrial government, it was inevitable that the Colorado Fuel and Iron Company should be among the first investigated.

In evaluating the success of the Colorado experiment, much depends on the standard against which it is to be measured. The highest is that of a generous partnership, introducing what Mr. John D. Rockefeller, Jr., termed "a new spirit in the relationship between the parties in industry—the spirit of justice and brotherhood." A less idealistic standard but one more broadly significant would be that of a smoothly functioning form of joint representation providing an adequate substitute for unionism. Or, remembering the bitterness and violence before the plan was introduced, one may apply a simpler standard and ask merely, has this plan improved conditions?

Regarding the plan from the first of these points of view, there is nothing in these reports to show that the firm has advanced beyond the usual business perspective. It is pointed out that the plan introduces no important change in the status of the employees as compared to former conditions. All that it proposes to do is to invite representatives of the workers into occasional conferences with executives.

Compare, for instance, the Partnership Plan of the Dutchess Bleachery, which establishes a substantial basis of partnership by guaranteeing a share in the profits of the business, over and above wages, and by giving wage-earners representation in both the board of managers and the board of directors, with a vote in all decisions of those bodies [*Coal*, p. 80].

We may now consider the plan from the second standard, that of an adequate substitute for unionism. The Foundation indicts the plan as giving the employees no real power. Shop committee representatives have no independent organization to support them and they fear for their own future if they take up some fellow-employee's grievance too vigorously. Hence the realities of the situation impair the confidence of the workers in the plan as an effective agency for securing justice. And aside from purely local conditions, basic national standards are decided without these workers. In the coal properties, the wages paid by the Colorado Fuel and Iron Company are determined chiefly by what competitors are paying. What these competitors are paying is determined by the United Mine Workers, whose members do the "dirty work" of keeping up standards. In

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the steel works, wages are also determined by what competitors are paying. The chief competitor setting wage rates is the generous U. S. Steel Corporation. Thus we find the situation that the coal miners in the company feel somewhat embarrassed because they are profiting by the struggles of their fellow-workers in the miners' union, and the steel workers "are reminded by their pay envelopes that the scope of their representation does not give them an effective share in determining their own earnings and none whatever in determining those of their fellow workers in the steel industry at large." (*Steel,* p. 233).

It is obvious, too, that some cardinal mistakes were made in the way the company introduced and managed the plan. It did not take the precaution before starting the plan to adopt the modern expedient of putting the function of hiring and firing in charge of a centralized employment department. Then this totally new idea of employee representation was never "sold" to the superintendents and petty officials but introduced over their heads, so that: "They did not understand either the letter or the spirit of the plan. They looked upon it as something that took their authority away but gave them no privileges". (*Steel,* p. 163). One employee representative was able to declare: "The small officials think that the plan is a joke and they buck us all the time" (*Steel,* p. 156). And there are actually thirty-two foremen or small officials in his department of one hundred and fifty employees.

Furthermore, instead of disguising the shop committee parentage, the plan is administered by company officials, and the president is virtually the chief administrator. "Meetings for nomination and elections of representatives are held at his direction. To him appeals are made for a recount and new elections. He calls the periodic conferences, at which he or someone designated by him presides" (*Steel,* p. 62). In many matters which should be decided by a joint conference or committee, final action is taken by company officials, so that the opportunity of developing joint responsibility and initiative on the part of the employee representatives is thrown away.

The crudities in administration are numerous. A superintendent unfairly discharges a foreman. Company officials investigate the discharge and find it unjustified. The superintendent remains in his position, while the foreman is reduced to assistant foreman and transferred to another mine with a reduction of $25 a month (*Coal,* p. 166). An employee's representative takes up a wage dispute with a superintendent, whereupon the superintendent demands indignantly,

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"Who's running the mill, the men or the company?" (*Steel,* p. 160.) Thus the plan itself is far from that smooth constitutional set-up the paper provisions of which leave hostile critics with nothing but theoretical arguments.

There is this to be said, however, that although the two reports of the Foundation did not become available until 1925, most of the information is based on conditions observed in 1919 and in 1921. The Russell Sage Foundation's delays in publishing its reports may be said to amount to a mild national scandal. Excellent research work is thus marred. The opportunity given for the claim that conditions are entirely different now and the information no longer applicable has been effectively used by the firm in the present instance.

If, according to this investigation, the Colorado Fuel and Iron Company plan is neither a genuine partnership nor even a smoothly functioning substitute for unionism, it has to its credit at least the fact that it has improved conditions decidedly. It is given credit for the abolition of the twelve-hour day in the steel works and the substitution of an eight-hour day. Also for many worthwhile changes of benefit to the workers, such as better schools, better housing, better sanitation and better community facilities of various kinds. The plan has also had an excellent educational influence on the officials, so that there is much more reasonableness on their part. There has been an almost complete absence of strife, and the circumstances of the miners' strike of 1919 showed a spirit on the part of the plant executives and the men that make a pleasing contrast with conditions in 1913 and 1914.

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Das Dreibundsystem, 1879–1916: eine historisch-völkerrechtliche Studie. By HELGE GRANFELT. Bd. I. *Vom Zweibund bis zum Sturze Bismarcks.* Stockholm, privately printed, 1924.—xxii, 416 pp.

For a generation the Triple Alliance was the most solid factor in European politics, yet the circumstances of its origin, the nature of its provisions and the scope of its interests were but vaguely known. In spite of much journalistic speculation, the truth resisted penetration, and this uncertainty contributed not a little to the nervousness

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of public opinion throughout Europe. Since the end of the war, however, Professor Pribram's *Geheimverträge Oesterreich-Ungarns, 1879-1914* and the German foreign office collection, *Die Grosse Politik der Europäischen Kabinette,* have revealed the precious secrets. Utilizing this material, as well as much older evidence, Mr. Granfelt has begun what promises to be a useful book. For though more limited in scope than the late Professor Rachfahl's *Die Bismarck'sche Aera,* it is, unlike that massive and unwieldy volume, fully documented, and it is more objective than Professor Fuller's much-discussed *Bismarck's Diplomacy at its Zenith;* curiously enough, the author has not used either of these books. He gives a lengthy account of the negotiations leading up to the Austro-German alliance of 1879, the Triple Alliance treaties of 1882 and 1887, the Three Emperors' League of 1881 and 1884, the Serbian and Rumanian alliances, and the Mediterranean Agreements of 1887; nowhere else is this material so conveniently assembled. There is also a penetrating analysis of the provisions of the several treaties, and an estimate of their success. For some reason, Mr. Granfelt passes very briefly over the origins of the Reinsurance Treaty of June, 1887 and fails to link it up with the problem of Franco-German relations, a subject which might have been discussed more fully in view of the fact that the isolation of France was the guiding principle of Bismarck's diplomacy. Nor is mention made of Bismarck's overture to Salisbury in 1889 that Great Britain should join the Triple Alliance. The *Life* of Salisbury is omitted from the bibliography.

An interesting feature of the book is the author's insistence that the Triple Alliance was governed by considerations of internal politics almost as much as by the necessities of foreign affairs. Not only does he show that at times policy was greatly influenced by parliamentary majorities, which is often forgotten by the opponents of secret diplomacy; he devotes considerable space to the "connection of the question of nationalities with the policy of the alliance" (part III of the Introduction). The mosaic of races which was the Habsburg Monarchy could not, he believes, withstand, unaided, the pressure of the national idea: Austrian statesmen had no alternative but to conclude an alliance, and they were equally bound to heed Bismarck's counsels and warnings. Yet in spite of Germany's strength, her non-German lands made her feel the necessity of support. Alsace-Lorraine and Posen, Bosnia-Herzegozina and Transylvania were the mainsprings of an alliance, the purpose of which was

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to maintain the balance and if possible the peace of Europe. In Bismarck's day, however, Italy, with ambitions transcending her powers, was the difficult member, and Mr. Granfelt agrees with Professor Pribram that she profited more from the alliance than her associates. If the latter did not exploit more cynically the quarrel of Quirinal and Vatican, it was because they needed Italy in the alliance at any price.

All things considered, the author believes that as long as Bismarck was at the helm, the alliance justified itself. He wanted peace, and he knew how to get it. He put the brake on Austrian ambitions in the Balkans, he kept in touch with Great Britain, and above all, he hoodwinked Russia. For although Mr. Granfelt does not go so far as Rachfahl or Fuller, he does not conceal the fact that Germany's obligations, under Bismarck's complicated system, were sometimes contradictory, and that his engineering of the Mediterranean entente of December 1887 was not consistent with the Reinsurance Treaty of June. It will be very interesting to see whether in his subsequent volumes Mr. Granfelt attaches much importance to Russian realization of this duplicity.

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The Colonial Background of the American Revolution: Four Essays in American Colonial History. By CHARLES M. ANDREWS. New Haven, Yale University Press, 1924.—x, 218 pp.

Twelve years ago Professor Gooch in his erudite *History and Historians in the Nineteenth Century* wrote: "The present generation of American historians have confined themselves almost entirely to their own country. . . . Historians gaze at the colonial period without being dazzled. . . ." Today we can look back over the last five years and realize the truth of the observation. The milestones of that period justify the further observation that "the age of brilliant amateurs is at an end".

Among those living who have devoted their energies to the investigation of American colonial history, Professor Andrews may be considered the dean. And his contribution to the milestones has in no way, time excepted; to yield to those which have gone before. No book which has recently appeared purporting to deal with the Revolution represents more background or compresses within its covers the distillation of more profound research than does this

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volume by Professor Andrews. The title is suggestive of the contents; the preface is indicative not only of the point of view but also of the truth of Professor Gooch's statement. "The time has come," writes Professor Andrews, "when we need not write of our Revolution merely to justify it; when our chief aim should be to understand and interpret it."

The first essay, "The British Colonies in America", treats in a broad, panoramic fashion the establishment of the colonists in America. The author is not concerned with the actual planting of the colonies but rather with their political and constitutional relation to Great Britain. The flaws for the most part are trifling. Is it not a bit slovenly to talk of the "instincts" (p. 11) of a race? Again (p. 42) in dealing with the colonial opposition to parliamentary legislation it does not necessarily follow that when the people of Windham (Conn.) declared "that neither the Parliament of Britain . . . . nor any other Parliament but that which sits supreme in our own Province has a right to lay taxes on us . . . .", they were denying parliamentary supremacy in all cases whatsoever. The difference between taxation and internal legislation was a vital one though its outlines were often blurred. While agreeing in the main with the contention (p. 54) that prior to 1763 "the colonists . . . made no denial of parliament's right to legislate for them", one may well note Andrew Burnaby's dictum of 1759 that, "many of them [the colonists] consider the colonies as independent states, not connected with Great Britain, otherwise than by having the same common king. . . ." And though "the right of parliament to legislate for the colonies was not expressly denied by the colonists themselves before 1765", such a feeling had had considerable incubation.

Mercantilism and its relation to British colonial policy is the basis of the second essay. The author shows how that economic conception controlled the rapidly developing imperial relationship. Further, he has pointed out the effect of French influence on British policy to a far greater extent than most writers on colonial history. The essay is packed with facts and goes far to explain the economic roots of the Revolution.

In the third essay, "Conditions Leading to the Revolt of the Colonies", Professor Andrews diagnoses the conditions between 1763 and 1775. The limits are logical in connection with the statements of the first essay that after 1763 the colonies began to deny parliamentary supremacy in internal legislation. Little fault can be found here, though there are one or two surprising slips.

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To say that (p. 135) "one finds among the resolutions of the Stamp Act Congress certain philosophical declarations regarding the inherent rights of man", is hardly to be justified. Gadsden, it is true, pleaded for dependence "upon the broad, common ground of those natural rights that we all feel and know as men and as descendants of Englishmen". But the Resolves themselves are entirely constitutional in tone, and as Professor McIlwain has pointed out, "the stamp duties are objected to on the purest Whig principles". James Otis and John Dickinson, the leaders of the Congress, were too Whiggish to base any objections upon "the inherent rights of man". Further (p. 144), the grouping of Thomas Pownall along with John Cartwright and Richard Price as representative of those who "were inclined to repudiate the doctrine of colonial dependency" is rather misleading. Price and Cartwright, it is true, were so inclined, but not Pownall. His general position is that of Burke, expediency, and he never wavered. In a speech to Parliament early in 1769 he announced that "the supremacy of Parliament over the Colonies must be maintained".

The last essay, entitled "General Reflections", complements the Preface, and gives a bird's-eye view of the social and intellectual life of the colonies. The concluding sentence encourages. "A nation's attitude toward its own history is like a window into its own soul, and the men and women of such a nation cannot be expected to meet the obligations of the present if they refuse to exhibit honesty, charity, open-mindedness, and a free and growing intelligence toward the past that has made them what they are."

While lamenting the lack of footnotes, bibliography and index, students may remember that this is a book of essays. The format is excellent.

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BOOK NOTES

Lord Morley's direction to the executors of his estate that they should neither aid nor abet any biography was a denial which came rather ironically from one who had been the biographer of Gladstone and Cobden. The wish of the testator, however, has not served to prevent — perhaps it was not so intended — unofficial memoirs by friends and admirers. Several of these have appeared and the best of them is *John, Viscount Morley: An Appreciation and Some Reminiscences* (Boston, Houghton, Mifflin Company, 1924; xiii, 215 pp.) by J. H. Morgan. With Lord Morley's private life General Morgan does not deal. Had he done so it would have been a "tale of singular devotion". But it was to avoid the telling of this tale that the "congenital reserve" of Lord Morley's "fastidious temperament" dictated the instruction to his executors. Dryden's distinction between history and biography, General Morgan says, goes to the root of the matter: "In the one you are conducted into the rooms of State, in the other you are led into the private lodgings of the hero and see him in his undress." Consequently the present memoir is an appreciation of Lord Morley's literary work with some reminiscences of his personal characteristics and his literary and political talk. Articles on the *Collected Works,* the *Recollections,* and the *Notes on Politics and History,* which General Morgan published in the reviews before Lord Morley's death, are reprinted and there is a hitherto unpublished chapter on the *Lives* of Gladstone and Cobden. Three chapters are reminiscent in nature and are based largely on General Morgan's diaries. They follow Lord Morley's own practice in his obituary essay on John Stuart Mill and reproduce "conversations with the subject of my discourse, for it is in a man's conversation, as in his work, that, in the words of Ruskin, you find him to the uttermost or not at all."

Biographies appearing immediately at the close of a man's life are often too uncritical to be more than appreciations; however with *Henry Cabot Lodge,* by Charles Stuart Groves (Boston, Small, Maynard and Company, 1925; viii, 152 pp.), and *Henry Cabot Lodge,* by William Lawrence (Boston, Houghton, Mifflin Company, 1925; 203 pp.), this is not the case. Mr. Groves as a political associate and Bishop Lawrence as a friend have presented Lodge from two

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points of view. Mr. Groves gives some of the facts of his life and states his political views, while Bishop Lawrence attempts more to interpret his life and explain his character; the volumes are in a manner complementary, though there is considerable overlapping. The first book gives interesting reactions of a fellow politician to Lodge's political activity, giving some information outright and more by implication; it is regrettable that he does not explain sufficiently the reasons why Lodge got his first position of power among the Massachusetts Republicans. Bishop Lawrence, who knew him intimately in college and before, gives a very illuminating picture of the formative years of his character. Here the Bishop faces the facts and does not gloss over his temperamental peculiarities. As to Lodge's later career in the Senate and especially in his struggle over the League of Nations, both biographies give the Senator's point of view and unconsciously show how Lodge's prejudices were clad in the language of his traditions of American public service. No accounts of Lodge's life if at all fairly written, as these are, even if they fail to feature the idea, can avoid giving the impression that in spite of his culture and high ideals, Lodge was strikingly unoriginal and lacking in imagination as a statesman. History is fortunate in having these brief but critical records written by men so well qualified to speak.—R. F. N.

It would seem that historians are again trying to shake off the reproach of dullness. A generation ago *The Secret of the Coup d'État,* edited by the Earl of Kerry (New York, G. P. Putnam's Sons, 1924; 362 pp.) would have been published as *The Flahault Papers.* Mr. Philip Guedalla in an introductory study, and Mr. Guedalla's works on the publisher's jacket, do their best to carry out the promise of the title. The book is really a carefully edited collection of the papers of the Comte de Flahault, a general of the first Napoleon who married into the English aristocracy. Flahault's chief correspondent is Auguste de Morny, an important figure in the *coup d'état* of 1851, whom history makes the son of Flahault and Queen Hortense. Mr. Guedalla sums up in his brief study what he considers the historical value of these papers. They give fresh evidence on several minor and uncertain points in French and English history. Flahault thought that the rumor of Louis Napoleon's illegitimacy was unfounded; some of his correspondents had heard that the Orleanists were preparing a *coup* of their own in 1851; Louis Napoleon wrote to Flahault at five o'clock on the morning of December 2 a note which makes him an accomplice in the *coup d'état*

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and which proves that the Prince-President was awake at that hour; Maupas sent to Flahault in London a preliminary police report hitherto unpublished, setting the civilian casualties of the *coup d'état* at the reassuring figure of 215 killed and 119 wounded; Palmerston was forced to resign at this time as much on Lord John Russell's initiative as on the Queen's. Perhaps this is not very important; but these papers do remind us of the existence of an international aristocracy even in the nineteenth century. They also remind us of its impotence. You will not find the secret of the *coup d'état* in them, but rather in Béranger, or even in *Les Châtiments*.—C. B.

First and last, considerable space has been given to Edward Everett in historical literature, but it has been incidental and the resultant impression has been unsatisfactory. Paul Revere Frothingham in his *Edward Everett* (Boston, Houghton, Mifflin and Company, 1925; 495 pp.) provides a valuable study of the man and his various moods and interests. The theme of the book is not so much the public service of Everett as the problems and intricacies of his personality. To the world he was an orator of the type who sat down and carefully worked out beautifully modelled phrases and with perfect memory, commanding voice, and cold dignity and self-possession, spoke for two hours to interested audiences. This artistic lack of spontaneity combined with his frigid manner caused many to consider him either a model of classic culture or a soulless and unfeeling calculator. But under all this was a dissatisfaction, a feeling of ineffectualness and lack of accomplishment which haunted him for long periods of time and drove him restlessly to undertake task after task — Unitarian clergyman, Greek professor, Congressman, Governor of Massachusetts, Minister to England, President of Harvard, Secretary of State, United States Senator and candidate for Vice President. However, all his life was not spent in restless conflict with a sense of failure: the Civil War provided him the opportunity in which heart and intellect could at last be united and these last years of his life were spent in valuable support to the Lincoln Administration. Besides containing a well-presented portrait, this book has considerable interest as history; its pages are filled with letters and journal entries which often describe very illuminatingly American and foreign life and opinion. Mr. Frothingham has some faults of omission: his treatment of Mr. Everett's career as Minister to England, while properly emphasizing the social character of the position, fails to give much idea of some of the important questions with which he had to deal; treating the years 1844-1845 without

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mentioning Texas is a remarkable feat. But whatever may be lacking in regard to Mr. Everett's public career may easily be found elsewhere; the outstanding fact is that the author has provided what was most desirable, a beautifully drawn portrait which reveals the man and leaves a vivid impression of reality.—R. F. N.

The Institute of Social and Religious Research has made a valuable contribution to demographic information in its publication of *A Census Analysis of American Villages,* by C. Luther Fry (New York, Institute of Social and Religious Research; xvi, 165 pp.). This volume consists of an intricate analysis of original census material for one hundred and seventy-seven villages scattered over the United States. It does for the agricultural center of from 250 to 2,500 population what the *Statistical Sources for Demographic Studies of Greater New York, 1920,* published by the New York City 1920 Census Committee Incorporated does for the sanitary district of New York City, and sets an extremely meritorious precedent for the study of village life. In addition to a wealth of statistical material, valuable commentary is found in the accompanying text. To some it may seem regrettable that the usual census classification by Geographic Divisions has been supplanted by a different locational classification. The material, however, is in such form that practically any desired grouping is possible for those localities represented in the sample. While the volume will be of particular interest to students of rural economics and sociology, it should be of considerable use to the general student of demography.

The subject of personnel administration has not suffered through a dearth of suggested readings and selected lists, but it has long merited a really comprehensive volume of bibliography of its own. A long list issued by the Federal Bureau for Vocational Education in 1919, though extremely helpful, is too heavily weighted with the literature of a time during which personnel work was in a period of inflation and its enduring character inadequately appreciated. Today personnel administration is recognized as an integral part of sound industrial organization. The recently issued volume *Personnel Administration: A Bibliography,* by William H. Rossi and Diana A. Powers-Rossi (Baltimore, Williams and Wilkins Company, 1925; 365 pp.), the first of a most promising series to be brought out under the editorship of Dr. Henry C. Metcalf, is a valuable contribution to a field in which the scientific aspects are rapidly crowding out the paternalistic features and the frills. The authors have wisely limited the articles and titles in their bibliography to the period since 1919.

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They make no claim to completeness yet the interest in the subject has been such that within the time limit of January 1, 1924, about 2750 titles are listed. The headings include such topics as employment technique, industrial health and safety, education and training, technical aspects of personnel research, employee service ("welfare work"), wages and rewards, steady work, and the various forms of joint relations. Within each division are several subheads, making it possible to find material without recourse to the index at the back of the book. The typography is excellent and the whole form of the book appealing. It is likely that the volume will be found on the desk of many a business executive, aside from interesting those who have other reasons for referring to the literature of modern personnel administration.—H. F.

Professor Alfred M. Tozzer's main thesis in his *Social Origins and Social Continuities* (New York, The Macmillan Company, 1925; xix, 286 pp.) is that, "Man is one, civilizations are many". After showing the essential unity of man he proceeds to discuss the multiplicity of forms of institutions through which human relations have been and are being carried on. The material was presented as the Lowell Institute Lectures of 1924. This necessitated handling the subject matter in a very generalized manner. Consequently detailed source material is omitted. The section on the intelligence tests, while quite clearly pointing out their present inadequacy as a measure of native intelligence, should have been brought up to date even at the risk of breaking the reader's interest through the inclusion of more detailed material. Religion is discussed only at random throughout the book instead of in a single section. Art and economic institutions are not discussed. This inadequacy may be due to lack of time and the desire to treat a few subjects more adequately than would have been possible if the range of subjects had been extended. This lack of discussion, however, limits the usefulness of the book. The author carefully avoids generalizations in regard to customs and institutions unless sufficient data are available. He says: "There is always a danger in making general statements regarding any custom, as each culture is a mosaic made up of many parts. The patterns are so varied that a single stone from one design, although seeming to resemble another figure, may, when taken from its setting, appear an entirely different color" (p. 154). Professor Tozzer has enriched the literature of our culture history in making available in readable form information about which the general reader is to a large extent lamentably uninformed.—L. S. C.

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Joseph Wright, superintendent of the library for municipal research at Harvard University, has collected and edited a series of *Selected Readings in Municipal Problems* (Boston, Ginn and Company, 1925; xviii, 961 pp.). The book is intended to serve as supplementary reading in college courses in municipal government. It is especially designed to supplement Professor Munro's admirable two-volume text in municipal government and administration as the chapter divisions are the same in substance although differently worded. The readings selected are mainly short essays upon subjects treated in Munro's text written by a variety of commentators. There are reproduced magazine articles, papers read at meetings, and quotations from books. With the exception of about twenty pages of court decisions, there is practically no genuine source material. One seriously questions the educational value of such a compilation. Munro's text is ample and clear, and both sides of controversial questions are well presented. There seems little need of compelling the student to read the ideas upon the same subject of another academician. What is needed in connection with such a text is a book of readings containing extracts from constitutional provisions concerning municipal affairs, sections from city charters, examples of municipal accounting and budget-making, police and health departmental orders, sample ballots and election returns, court records and more judicial decisions. Mr. Wright's book of readings, while it puts into convenient form many admirable comments upon municipal affairs, does little to bring the realities of city governmental life to the student.—R. M.

To the "Bibliothèque France-Amérique" has been added a *Histoire Générale de la Bolivie* (Paris, Librairie Félix Alcan, 1923; 158 pp.), translated, condensed and adapted from the elaborate work in Spanish of Alcides Argüedas on the same subject. The book covers chronologically the period from 1808 to 1900, with an appendix on the events up to 1921. Like so many of its compeers written by Spanish Americans, it provides little more than a compend of presidential administrations, even if the manner of treating them is on the whole less polemical.

Entertaining and often pungent passages from a diary made in 1921 during a visit to Formosa, Manchuria, Shantung, Korea and Saghalin are embodied by Poultney Bigelow in his *Japan and Her Colonies* (New York, Longmans, Green and Company, 1923; xii, 276 pp.). The picture that he draws of Japan's activities in its possessions is such as might be expected from a competent traveler

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who likes the people among whom at various times he has cast his lot. Made up of lively impressions gathered *en route,* and interspersed with caustic *obiter dicta* about the American attitude toward world politics, the book adds another item to the long list of accounts descriptive and eulogistic by which the Empire of the Rising Sun has been favored by most of its foreign observers who have written in popular vein.

A handbook helpful to teachers in secondary schools is supplied by Halford Lancaster Hoskins in his *Guide to Latin-American History* (New York, D. C. Heath and Company, 1922; x, 121 pp.). The arrangement of topics is commendable and the bibliography well selected. In the main, also, the material appears to lie within the scope of library facilities available for institutions of the sort.

Of the congresses held at the time of the national colonial exposition at Marseilles in 1922 the proceedings devoted to administration, legislation, instruction and settlement have been published under the title of *Congrès de l'Organisation Coloniale: Compte Rendu et Rapports* (Marseilles, Commissariat Général de l'Exposition Coloniale, 1923; Vol. I, lv, 331 pp.; Vol. II, 325 pp.). Within the fields chosen, they provide an elaborate account of French expansion overseas in its contemporary aspects. Under a topical arrangement, subdivided geographically, the first volume contains a general report of the work accomplished during the sessions, and a discussion of problems of government and education; the second treats of matters affecting emigration, the distribution of land and other processes incidental to actual colonization.

That the assertions of publishers are sometimes as deceptive as the headlines of newspapers finds illustration in the statement on the jacket of the textbook by Herman G. James and Percy Alvin Martin, dealing with *The Republics of Latin-America: their History, Government and Economic Conditions* (New York, Harper and Brothers, 1923; x, 533 pp.). This is not the "first book" that brings the subject matter of which it treats "within the compass of a single volume". The authors themselves make no such claim. What they furnish in substance is an historical outline, reminiscent at times of encyclopædia articles, convenient analyses of constitutions and a workable bibliography. The portions devoted to governments in operation, political parties and economic conditions are inadequately handled. To college students who require a manual neither too detailed nor too brief, the book will be serviceable.

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Thanks in part to financial aid received from the United States, the *Jahresberichte der deutschen Geschichte* (Breslau, Priebatch's Verlag, 1924; 177 pp.), edited by V. Loewe and M. Stimming, has been enabled to continue publication. The present volume covers the year 1922. As a survey of historical literature, represented in pamphlets and periodicals as well as books, it ranges substantially over the entire field, even if the cost of foreign publication does restrict mention of them to very few titles.

Students of the governmental system in the republics of Latin America who are unable to read the languages of those states must appreciate the service of Herman G. James in describing *The Constitutional System of Brazil* (Washington, Carnegie Institution of Washington, 1923; vi, 270 pp.). The book is the product of a year's sojourn in that country, supplemented by extensive reading of works by its publicists. At the outset the author acknowledges the difficulties besetting the foreigner who seeks to convey an adequate idea of the political mechanism by which a nation so different from his own is controlled. It appears obvious that they constrained him to present what is largely a formal description, along with appropriate historical data, of the governmental organization of a republic patterned more or less after the United States. Just how the various elements that make up the constitutional system function in practice does not stand out so clearly. The reader seems to be contemplating the outlines of a huge machine that runs smoothly enough upon the printed page of document and treatise, rather than upon the political highway of a people's life. The limited amount of time available for study and subsequent reflection doubtless made any other mode of viewing the subject impossible to choose. As a picture of a written instrument and the several organs for which it provides, the work possesses an interest quite commensurate with the labor expended in preparing it.

Could a like work be done for the other countries of Latin America, emulating so capital an example of scientific investigation as that presented by Dr. George McCutchen McBride in *The Land Systems of Mexico* (New York, American Geographical Society, 1923; xii, 204 pp.), one of the greatest difficulties that confront the student who seeks accurate information about the fundamental basis of life in the southern republics of the New World would be obviated. Of all phases of their existence, it may be said, none is so little understood as that which is here discussed. Brief as the content of the volume is, it establishes a norm of treatment, applicable

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with due modification to each and every one of the states. Delineated on its proper geographical and historical background, the system of landholding in Mexico is shown to be undergoing a sort of transition out of conditions that made extensive rural property a self-contained unit, and the laborer on it virtually a serf, into a freer and more equitable arrangement, to the especial advantage of the worker. Reduction in the size of the estates, increase in the number of small farms and adequate protection for communal ownership until individual proprietorship by the Indian shall become possible constitute the chief agencies of reform.

Under the caption of *La Crisis del Constitucionalismo en las Naciones Europas* (Madrid, Librería General de Victoriano Suárez, 1925; 77 pp.) Adolfo Posada, the eminent publicist of the University of Madrid, presents an address delivered before the Royal Spanish Academy of the Moral and Political Sciences, and comments upon the remarks of other speakers. The material provides a partial glimpse at the vicissitudes through which constitutional government in Europe has passed since the close of the eighteenth century. In the opinion of the author, the virtual effacement that it suffered during the recent war and the menace to which it has been subjected from the extremes of radicalism and reaction afford no reason to doubt its validity and permanence. By implication at least, the same optimism holds good prospectively for Spain, despite the lack of direct allusion to conditions now prevailing in that country.

Despite the number of books written about the neighbor of the United States south of the Rio Grande, no succinct and scholarly account of its rise and development appeared until the publication by Herbert Ingram Priestley of *The Mexican Nation: a History* (New York, The Macmillan Company, 1923; xxiii, 508 pp.). Of its predecessors, whether huge in bulk and cooperative in construction or restricted to the compass of a single volume, the best that can be said is that, as the one supplied materials for history, the other furnished food for thought concerning the way in which history ought not to be composed. To the performance of his task Professor Priestley brings an abundance of critical knowledge, reinforced by scientific training in an environment that happens to preserve the memory of things Spanish and Mexican more vividly than anywhere else in this country. The period he covers is one extending from the earliest recorded times to the presidency of Obregón. Rightly the author has given the colonial background approximately half of the entire space; for without such a propor-

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tion the reader cannot really understand the nature of the vicissitudes through which Mexico has struggled in its erratic progress from independence to nationhood. Never seeking to elicit pity or to administer reproof for faults or misfortunes, Professor Priestley has handled a difficult subject with singular restraint and detachment. The bibliography that he has appended is a boon to all who might wish to supplement the text, even if it could have been more generously annotated, and many of the items provided with dates and places of publication. The maps and illustrations, also, are not up to the standard set by the remainder of the volume. The work unquestionably is the best on the subject in any language. In passing, however, the reviewer queries whether the English word "personalism" (p. xiii) conveys the precise meaning of the Spanish "*personalismo*", and wonders just why mortmain was the "curse of Spain" (p. 56), in any sense peculiar to that country at the time of which mention of it is made.

Students of history who desire more than a mere surface account of political and military events will gain little from *The Virginia Frontier, 1754-1763* by Louis K. Koontz (Baltimore, The Johns Hopkins Press, 1925; ix, 186 pp.). Of the hundred pages which constitute the main body of this somewhat loosely organized monograph, by far the greater portion is devoted to the relation of Washington to Governor Dinwiddie and to their connection with the French and Indian War. In view of this fact alone a much better title would have been "The Defense of the Virginia Frontier, 1754-1763." With the exception of brief mention of the Ohio Company one searches almost in vain for anything on land speculation, which played such an important part in the entire frontier history of America. Moreover, certain of the author's statements and conclusions are open to question. For instance, it is extremely doubtful whether religious hatred (pp. 25-26) more than the lure of Indian trade and the desire of both settler and speculator for rich and unlimited lands motivated New England to marshal her forces against France in the seven years' struggle for possession of the North American continent. Again, without any purpose to belittle his prestige, one may hold that it is questionable whether Washington was "the sword" of the French and Indian War (p. 53). The chief value of the work lies in the liberal quotation in the last chapter of hitherto unpublished manuscript material. An appendix gives rather exhaustive information about pioneer forts, stockades and blockhouses which existed on the Virginia frontier during the period under discussion.—H. J. C.

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It is to be deplored that Karl Friedrich Nowak, the prolific and forceful chronicler of the agony of the old order in Central Europe, should be able to maintain his biennial output of stirring narrative only at the cost of omitting all references to his authorities. His revelations of the innermost counsels, nay even the mental processes, of the leading actors in the most decisive developments are sketched in such bold, not to say sensational, style as to leave the discriminating reader fairly gasping for verification. In the preface to the original German edition of *The Collapse of Central Europe* (New York, E. P. Dutton and Company, 1924; viii, 365 pp.), appearing in 1921, the writer states that his material is derived from a study of secret archives and protocols of Crown Councils and from personal statements of leading statesmen and generals, who have themselves reviewed his text; and he promises citations in detail in a later edition. In lieu of fulfilment of this promise, appeared *Chaos* (1923), continuing the story from the point at which this book leaves off, in which it is merely repeated. Much of the material, of course, follows sources now known; the portions dealing with events in Germany appear mainly in accord with the recent report of the parliamentary committee on the origins of the collapse. The present work covers the period from the Peace of Brest-Litovsk to the Armistice, although some of the most interesting passages and documents are of earlier date—notably, those dealing with the Sixte de Bourbon letters and the correspondence between Emperor Carl and President Wilson in February and March, 1918. Apart from the absence of references and the difficulty in distinguishing between authoritative statements and the inferences or opinions of the writer, the book is of the highest interest and value. Details are presented in a broad perspective of their larger significance, yet without slighting their intrinsic importance. As special factors contributing to the collapse, stand out the German military leaders, whose arbitrary and ill-calculated interference in the final negotiations confused the efforts toward a diplomatic settlement, and the Magyar political leaders, whose insistence upon the integrity of Hungary crippled all attempts to solve the racial question in the Dual Monarchy. But, transcending all influences of personalities and group interests, looms a tragic picture of outworn political organizations, their peoples' loyalty undermined by war-weariness, hunger, and privations, tottering to collapse under the conflicting blasts of nationalism and Bolshevism, which leaves an impression of stark reality and fundamental truthfulness.—J. V. F.

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